

# Congressional Record.

## PROCEEDINGS AND DEBATES OF THE SIXTY-SEVENTH CONGRESS FOURTH SESSION.

### SENATE.

THURSDAY, February 8, 1923.

(Legislative day of Monday, February 5, 1923.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

#### SOUTHERN PINE LUMBER INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Federal Trade Commission, transmitting, pursuant to law, the report of the commission on the costs, prices, and profits of the southern pine lumber industry for the years 1917 and 1918, which was referred to the Committee on Interstate Commerce.

#### CLAIMS OF CONTRACTORS UNDER TREASURY DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report showing the number of claims filed under the act for the relief of contractors and subcontractors for post offices and other buildings and work under the supervision of the Treasury Department and the present status of the work involved in connection with their adjudication, which was referred to the Committee on Public Buildings and Grounds.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a communication from the town clerk of Hancock, Mass., which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

HANCOCK, MASS., February 6, 1923.

CLERK OF THE SENATE,  
Washington, D. C.

DEAR SIR: At the annual town meeting of the voters of the town of Hancock, Mass., held February 5, 1923, the following resolution was adopted:

"Resolved, That we, the citizens of Hancock, in town meeting assembled, request the Senate and House of Representatives of the United States to designate or to create some agency of the Federal Government which shall have all the powers essential to fix, and power to fix a maximum price on coal whenever and wherever sold, either by producer or dealer, any or all such powers to be exercised, the need being shown therefor, for the benefit of any congressional district or part thereof whenever said agency is so requested in writing by the Members of Congress representing said district; any or all such powers to continue in force so long as, in the opinion of the Congressman making request, the need of such Federal control exists.

"Resolved, That we further request legislation which shall provide that, in the sale and shipment of coal at the mines or elsewhere, orders for coal from consumers and dealers selling directly to consumers shall take precedence over all other orders, said legislation to provide also for prompt transportation of such shipments.

"Resolved, That a copy of these resolutions be sent by the town clerk to the clerk of each branch of Congress, together with the vote thereon."

Respectfully,

A. D. MCSORLEY, Town Clerk.

Mr. LODGE presented resolutions of the House of Representatives of the General Court of Massachusetts relative to the coal situation in New England, which were referred to the Committee on Interstate Commerce, as follows:

#### THE COMMONWEALTH OF MASSACHUSETTS, 1923.

In the year one thousand nine hundred and twenty-three.

Resolutions favoring the passage by Congress of legislation placing an embargo upon coal.

Whereas there are now pending before the Congress of the United States various bills and resolutions providing for and favoring the passage of legislation placing an embargo upon the export of coal from the United States during the present period of coal shortage; and

Whereas the Hon. JOHN J. ROGERS, Congressman from Massachusetts, has introduced a bill in Congress entitled "A bill declaring an embargo on anthracite coal," being H. R. No. 12827, which declares that the conditions at present prevailing in the production and distribution of anthracite coal constitute a national emergency; and

Whereas great distress and hardship exist in New England on account of such coal shortage: Therefore be it

Resolved, That the House of Representatives of the General Court of Massachusetts urgently requests that Congress take immediate steps

for the passage of appropriate legislation to relieve the great distress existing in New England, and hereby records itself in favor of immediate passage of H. R. No. 12827; and be it further

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the Presiding Officers of both branches of Congress, and to the Senators and Representatives in Congress from this Commonwealth.

In the house of representatives, adopted January 29, 1923.

A true copy.

Attest:

F. W. COOK,

Secretary of the Commonwealth.

Mr. McNARY presented the following joint memorial of the Legislature of Oregon, which was ordered to lie on the table:

#### Senate Joint Memorial 2.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, in regular session assembled, respectfully represent that—

Whereas your honorable body has under consideration a bill compelling every manufacturer or handler or seller of woolen fabrics and woolen garments to place thereon a tag plainly stating the exact percentage of virgin wool and also how much and what other materials enter into such cloth; and

Whereas such a law will be of inestimable value to both those who wear clothing and also to producers of wool and mohair; and

Whereas Oregon is interested both as a producer and as a user of woolen goods: Therefore be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to enact such legislation; and be it further

Resolved, That the secretary of state be directed to transmit by mail a copy of this memorial to the President of the United States Senate and to the Speaker of the House of Representatives and to each of the Senators and Representatives from the State of Oregon.

Adopted by the house January 29, 1923.

CYRIL G. BROWNELL,  
Speaker of the House.

Adopted by the senate January 23, 1923.

JAY UPTON,  
President of the Senate.

(Indorsed: "Senate Joint Memorial No. 2. Introduced by Senator Zimmerman. John P. Hunt, chief clerk. Filed February 1, 1923. Sam A. Kozer, secretary of state.")

UNITED STATES OF AMERICA,  
STATE OF OREGON,  
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 2 with the original thereof adopted by the Senate and House of Representatives of the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 1, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon. In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1923.

[SEAL.]

SAM A. KOZER, Secretary of State.

Mr. KEYES presented a resolution adopted by the Episcopalian Club of St. Thomas Church, of Dover, N. H., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

Mr. JONES of Washington presented a petition of sundry citizens of Seattle, Wash., praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Appropriations.

#### AMENDMENT OF FARM LOAN ACT.

Mr. FLETCHER. I ask unanimous consent to have printed in the RECORD a letter from L. C. Manson, attorney for the Federation of National Farm Loan Associations, a part of which bears on Senate bill 4130 and Senate bill 4453, which were referred to the Committee on Banking and Currency, and it also relates to House bill 14041, which is pending in the House. Mr. Manson gives certain reasons why these bills ought not to be passed, and those reasons I think are sufficiently sound and substantial to be laid before all interested in the measures. I therefore ask that the letter be referred to the Committee on Banking and Currency and printed in the RECORD.



There being no objection, the letter was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., January 30, 1923.

DEAR SIR: The Strong bill (H. R. 13125) has been rewritten by the committee and reintroduced as H. R. 14041.

The new bill (H. R. 14041) is a more vicious measure than H. R. 13125.

H. R. 14041 was reported for passage January 27 and is now before the House for action.

Whatever is to be done to defeat this measure must be done at once. H. R. 14041, like H. R. 13125, authorizes direct unindorsed loans, the direct borrower to become a direct stockholder in the Federal land bank.

H. R. 14041, however, eliminates the provisions of H. R. 13125, attaching a double liability to stock to be held by direct borrowers.

This new bill not only strikes at the foundation of the cooperative system but discriminates against the association borrowers by requiring them to assume twice the risk of loss assumed by direct borrowers. It reduces by one-half the margin of capital security behind the bonds.

I appeal to you for your prompt assistance in preventing the passage of this bill. If you have written your Congressmen and Senators relative to H. R. 13125, please write them again at once, or preferably wire them, to oppose H. R. 14041. If you have not written, please do not fail to do so at once. Also get your officers and directors and as many of your members as possible to do the same.

#### ASSOCIATIONS MISREPRESENTED TO CONGRESS.

The committee has been misled, and Congress is being misled by misrepresentations as to the situation. The associations are being blamed for the failure of the system to properly function at a time when shortage of money and delay was entirely due to the policy of the Farm Loan Board and its appointees in charge of the bank.

During the time the system was tied up by litigation, during the whole of 1921, and during the first few months of 1922 the Federal land bank system did not meet the demand for money. After the litigation was over the demand was overwhelming and but few bonds were placed on the market for sale. The result was that many farmers desiring loans could not get them.

So few appraisers were employed by the banks that applicants were required in many cases to wait for months before their farms were appraised. The internal organization of the banks was such that interminable delays occurred before many of the applications were passed upon.

This shortage of funds and delay in the banks led to great dissatisfaction among the farmers, many of whom blamed the associations and complained to their Members of Congress and Senators. They did not know where the trouble lay, but did know there was something wrong. Complaints also came from farmers whose applications were rejected because the associations did not consider the risk good. These farmers claimed that the associations, having secured their loans, would not let others in.

This general dissatisfaction has been capitalized by those seeking to destroy the associations. Although the trouble was entirely due to the Farm Loan Board and the banks, and the associations were loud and vigorous in their protests, they are now being blamed because they did not function when they had nothing to function with.

#### H. R. 14041 AUTHORIZES DIRECT UNINDORSED LOANS.

The new bill (H. R. 14041) wipes out the provisions of section 15 of the original act requiring agents to indorse loans and provides "that whenever it shall appear to the Federal Farm Loan Board that national farm-loan associations have not been formed, or the local national farm-loan association is not in the opinion of the Federal Farm Loan Board properly serving the needs of its territory in any locality, said board may, in its discretion, authorize Federal land banks to make loans on farm lands through agents approved by said board."

This provision looks innocent. It would appear to be meant to cover a situation where farmers can not do business through an association. Let us consider its origin.

This provision was recommended to Congress in the fifth annual report of the Farm Loan Board, dated December 15, 1921. At that time and for months after the banks were so far behind in filling applications forwarded by associations that the right to apply for loans had been shut off by most of the banks. At the time this recommendation was made there could have been no demand for new agencies to procure business, because the banks could not take care of the business forwarded through the associations. We are forced to the conclusion that the real purpose of those who are behind this provision is to substitute subservient agents for independent associations, instead of to merely use them where associations do not cover the field.

A committee of the American Bankers' Association came to Washington last winter for the purpose of pushing the same plan, but deemed the time for doing so inopportune. These bankers wanted to get the commission, but did not want to indorse the loans.

Under this bill it is to be left to the opinion of the board whether an association is serving the needs of its territory. Thus, if an association which is required to indorse the loan rejects an application because, in the opinion of its directors, the risk is bad, if a secretary-treasurer does not happen to be in his office when a farmer calls, or if he can not get his directors to meet as soon as an applicant desires, any of these facts may, in the opinion of the board, justify the conclusion that the association is not satisfactorily serving its territory. It can then set up an agency across the corner which can make loans without indorsement.

Section 5 of this bill provides that the direct borrower "shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank and shall become the owner of as much capital stock of the land bank as such contribution shall warrant."

This bill (H. R. 14041) eliminates the provision of H. R. 13125 and S. 4130, making such direct stock subject to a double liability. In my memorandum published in Rural Credits and in my previous communications discussing H. R. 13125 and S. 4130 I pointed out that the double liability attached to the stock held by direct borrower does not mean the same thing, either as an obligation of the stockholder or as an element of security to the bank and the bondholder as the double liability of stockholders in the associations. By entirely eliminating the double liability on direct stock the direct borrower is required to assume just one-half the liability of loss assumed by a borrower through an association. The capital stock of the bank and the double liability of stockholders in the association are additional elements of the security behind

the bonds. To the extent that direct loans may be made, this additional security is reduced by one-half.

#### DIRECT UNINDORSED LOANS A DISCRIMINATION AGAINST ASSOCIATIONS.

I am not going to repeat the arguments against direct unindorsed loans. They are fully set forth on pages 17 to 22 of the pamphlet sent you.

#### THE ASSOCIATIONS CAN NOT COMPETE WITH AGENTS MAKING UNINDORSED LOANS.

No sensible borrower will assume the double liability incident to the ownership of stock in an indorsing association if he can get his loan through an agent without it.

It is discrimination to require association loans to be indorsed (with the indorsement backed by the double liability) and to permit agency loans to be made without indorsement. It is further discrimination to require a part of the dividends to associations to be set aside as reserves while the full dividends will be paid direct borrowers. Additional discrimination will result in association borrowers being required to lose a part or the whole of their dividend to cover defaults of fellow borrowers while the direct borrower is required to stand no loss at all in this respect. In addition to all this, the association as a stockholder in the bank must stand its share of the losses on direct loans which fall directly on the bank, while the direct borrower does not share the association losses on indorsements.

#### REDUCING THE SECURITY WILL INCREASE THE INTEREST.

This indorsement (backed in the double liability of stockholders in the association) is an element of security behind the bonds. It is prominently advertised by the bond houses in selling the bonds. To eliminate it is to create a different security, for which a new market must be created.

What is the necessity for this change? The associations have produced more business than the banks have been able to handle promptly. What is the need for additional agents to bring in business?

By doing business through associations which are required to indorse their loans, the poor risks have been kept out, and the banks have suffered practically no losses. Why do business through agents who will have no interest in a loan except their commission?

A market has been created which is taking the present bonds as fast as they are offered, at constantly decreasing rates of interest. Why destroy this market by substituting a different security?

#### LOAN LIMIT \$16,000.

The Strong bill 14041 increases the loan limit to \$16,000, with the provision that the Federal Farm Loan Board may in special cases authorize loans up to \$25,000, but that loans of \$10,000 and under shall be given the preference. In this connection, I call your attention to the fact that the increase in the loan limit is not dependent upon the passage of this bill. The Capper bill which has already passed the Senate contains an unqualified provision increasing the loan limit to \$25,000.

#### PERMANENT MANAGEMENT.

By the provisions of this bill the permanent management of the Federal land banks is to be in boards of seven directors. Each Federal land bank district is to be divided into three divisions. The associations and direct borrowers are to elect a director and nominate a candidate for director at large for each division. The board is to appoint the director at large from among the three nominated and is also to appoint three district directors.

While this provision limits the board in selecting the seventh director to one of three nominated by the stockholders, yet it gives the board the power to appoint four out of the seven directors. The director at large will know that unless he votes with the other three appointed by the board he will not be reappointed. He will be responsive to the wishes of the board, instead of to the wishes of the stockholders, whenever there is a conflict of views.

While even such a plan of choosing directors would be a distinct gain over the one contained in H. R. 13125, and standing alone might be worth a trial, yet the cooperative method of making indorsed loans through farm-loan associations should not be sacrificed to secure any such doubtful provision for permanent management as this. It is the inherent right of the stockholders to control their own property by choosing, without interference, at least a majority of the directors. Congress will recognize and observe this right when the associations unite in asserting it.

#### ALL BILLS AIMED AT DESTRUCTION OF COOPERATIVE SYSTEM.

The enactment of any of these bills (H. R. 13125, H. R. 14041, or S. 4130) will result in the disintegration of the farm-loan association, the elimination of cooperation, an increase in interest rates, the killing of the present market for bonds, and an eventual destruction of the system. The essential features of all these bills are the same as the recommendations of the Farm Loan Board in its fifth annual report. Soon after this report was made public, in response to Senator FLETCHER's questionnaire, hundreds of associations expressed their disapproval of these changes in the act.

Very truly yours,

L. C. MANSON.

Attorney for the Federation of National Farm Loan Associations.

#### REPORTS OF COMMITTEES.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4448) for the relief of certain disbursing officers, reported it without amendment and submitted a report (No. 1111) thereon.

Mr. McCUMBER, from the Committee on Finance, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 13774. An act to amend the revenue act of 1921 in respect to exchanges of property (Rept. No. 1113); and

H. R. 13827. An act relating to the sinking fund for bonds and notes of the United States (Rept. No. 1114).

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 12368) to abolish the inspection districts of Apalachicola, Fla., and Burlington,



Vt., and the office of one supervising inspector, Steamboat Inspection Service, reported it without amendment and submitted a report (No. 1115) thereon.

#### ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 8, 1923, they presented to the President of the United States the bill (S. 4029) to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874.

#### MOBILE RIVER BRIDGE, ALA.

Mr. CALDER. I report back favorably without amendment from the Committee on Commerce the bill (S. 4469) to extend the time for the construction of a bridge or bridges and trestles over the navigable channels of the mouth of the Mobile River in the State of Alabama. The Senator from Alabama [Mr. HEFLIN] is anxious to have the bill passed, and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole, and it was read as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge or bridges and trestles, authorized by the act of Congress approved October 5, 1917, as revised and reenacted by the act of Congress approved February 14, 1922, to be built by the Gulf Ports Terminal Railway Co., a corporation existing under the laws of the State of Florida, over and across the navigable channels of the mouth of Mobile River from Bay Port, in township 4 south, range 2 east, on the east shore of the waters of Mobile Bay, in Baldwin County, Ala., on a direct line to a point on Blakely Island, in Mobile County, on the east shore of Mobile River, opposite the municipal docks of the city of Mobile, Ala., are hereby extended one and three years, respectively, from the date of approval hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RESTORATION TO PUBLIC DOMAIN OF LANDS IN LOUISIANA.

Mr. PAGE. Mr. President, from the Committee on Naval Affairs I report back favorably, with an amendment, the bill (H. R. 5224) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the State of Louisiana not needed for naval purposes, and I submit a report (No. 1112) thereon. I may say that the bill has passed the House and come to the Senate and has been unanimously reported favorably by the Senate Committee on Naval Affairs. I think it will not take more than a minute to consider and pass the bill, and, as my friend from Louisiana [Mr. BROUSSARD] is interested in it, I ask unanimous consent for its immediate consideration. If its consideration shall take more time than I have indicated, I will withdraw the request.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 5, line 11, after the word "half," to strike out "or" and insert "of," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to cause to be certified to the Secretary of the Interior, for restoration to the public domain, the whole or such portion or portions of the several tracts of land in the State of Louisiana heretofore set apart and reserved for naval uses as are no longer required for the purposes for which they were reserved or for any purposes connected with the naval service, and upon such certification the tracts of land described herein shall be duly restored to and become a part of the public lands of the United States; and a preference-right entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement, when that shall occur, after the date of this act: *Provided*, That persons who enter under the homestead law shall pay for such lands the value heretofore or hereafter determined by appraisal, not less than the price of the land at the time of entry; and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior: *Provided further*, That the certification of lands hereby authorized by the Secretary of the Navy and the Secretary of the Interior shall be subject to confirmation of title, as follows:

Title is hereby confirmed to the original entrymen, their heirs, assigns, or legal representatives to the lands upon which entries were made at the United States land office at Opelousas, La., paid for at the legal rate at the time of entry for Government lands in that locality, and for which lands the said land office issued certificates of purchase to the original entrymen, as follows, to wit:

In township 14 south, range 11 east, on Cypress Island—  
Fractional sections 31 and 32, Joseph T. Hawkins, August 7, 1844; certificate No. 4184.

In township 15 south, range 11 east, on Cypress Island—  
Lot 1 of section 6 and lots 1 and 2, section 5, John Dawson, December 26, 1843; certificate No. 4115.

Lots 3, 4, and 5, section 5, and lots 2, 3, 4, and 5, section 6, John D. Alston, December 26, 1834; certificate No. 4114.

In township 15 south, range 12 east, on Navy Commissioners Island—

Fractional section 38 and lots 1 and 2, section 36, Henry Bradley, April 29, 1843; certificate No. 4081.

Lots 3 and 4, section 36, John L. Baize, September 5, 1838; certificate No. 1998.

In township 14 south, range 11 east—  
Lot 3, section 27 (with other lands), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2604.

East half of southeast quarter section 27 (with other lands), Daniel Fisher, October 27, 1840; certificate No. 2799.

Lot 5, section 28 (with other lands), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2607.

Lots 3 and 4 and southwest quarter of southwest quarter section 28, Daniel Fisher, September 15, 1840; certificate No. 2759.

Fractional section 29, Daniel Fisher, September 16, 1840; certificate No. 2760.

Fractional section 32, Daniel Fisher, September 16, 1840; certificate No. 2762.

Northeast quarter section 33, John Fowler, May 10, 1839; certificate No. 2581.

West half and southeast quarter section 33, Daniel Fisher, September 16, 1840; certificate No. 2763.

East half of northeast quarter section 34, Daniel Fisher, October 27, 1840; certificate No. 2802.

Lots 3 and 4, section 34 (with other lands), Pierre Jupiter, May 10, 1839; certificate No. 2582.

Southwest quarter section 34, Daniel Fisher, September 16, 1840; certificate No. 2761.

Southeast quarter section 34 (or lots 5 and 7 and south half of southeast quarter), John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2603.

West half of northwest quarter section 35, Daniel Fisher, October 27, 1840; certificate No. 2800.

Southwest quarter and west half of southeast quarter section 35, John Brownson and Daniel Fisher, May 27, 1839; certificate No. 2605.

The amendment was agreed to.

Mr. KING. Mr. President, I should like to inquire of the Senator from Louisiana why the lands are not ceded directly to the State? So far as I am concerned I should be willing to have them ceded to the State.

Mr. BROUSSARD. I will state to the Senator that away back in 1832 these lands were set aside, consisting mainly of live-oak forests, for the purpose of constructing ships. In 1879 some of these lands were restored to the public domain in the State of Florida, and in 1895 in the States of Alabama and Mississippi. The lands in the State of Louisiana were never restored to the public domain. Through an error these lands were certified by the Land Office to the State of Louisiana, and under the laws of the State were rented by citizens of the State of Louisiana. Later it was discovered that the lands belonged to this naval reservation. We are now asking that the lands be restored in the State of Louisiana, just as they were in Florida, Alabama, and Mississippi—merely that they be restored to the public domain and be disposed of under the Federal laws.

Mr. KING. Mr. President, as I stated, I think it would be wiser and fairer to transfer these lands to the State. What business has the Federal Government with those lands that the people of Louisiana have been occupying for years? I believe in extinguishing so far as it is possible the title of the Federal Government to lands that the Federal Government does not need within the States and transferring the jurisdiction to the States. I should be willing to transfer these lands directly to the State of Louisiana and let the State dispose of them as it sees fit.

Mr. BROUSSARD. We did not propose to introduce a bill here that was contrary to the existing law. That was the reason for it.

Mr. KING. I would be more generous than the Senator if I had the disposition of these lands.

Mr. BROUSSARD. We merely want them restored to the public domain.

Mr. KING. I think the Senator makes a mistake. I think he ought to provide that title shall be taken by the State of Louisiana, and I feel sure that the Senate would vote to give the State the lands.

Mr. BROUSSARD. I wish to say to the Senator from Utah that this bill has passed the House, and we would like to have it become a law.

Mr. KING. If the Senator is satisfied, I am satisfied, of course.

Mr. McKELLAR. Mr. President, may I ask whether the lands will be subject to entry and patent just exactly as other lands are?

Mr. BROUSSARD. Yes; they will be.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.



## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON:

A bill (S. 4498) to authorize the purchase of a general and surgical hospital in Los Angeles County, Calif., and for other purposes; to the Committee on Finance.

By Mr. FERNALD:

A bill (S. 4499) granting a pension to Affie M. Crockett; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 4500) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 4501) providing for the closing of Weaver Place NW., and for other purposes; to the Committee on the District of Columbia.

By Mr. CALDER:

A bill (S. 4502) to authorize the construction of a subway for the transmission of mail in the city of New York, N. Y.; to the Committee on Post Offices and Post Roads.

By Mr. FRANCE:

A bill (S. 4503) granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; to the Committee on Commerce.

By Mr. RANSDELL:

A bill (S. 4504) authorizing the Secretary of the Interior to sell and patent certain lands to Robert E. Wyche, a resident of Caddo Parish, La.; to the Committee on Public Lands and Surveys.

By Mr. LENROOT:

A bill (S. 4505) granting a pension to Eldora Mallon; to the Committee on Pensions.

## AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL.

Mr. SPENCER submitted an amendment providing that so much of section 24 of the act approved June 4, 1920, as provides that any person originally appointed under the provisions of said act at an age greater than 45 years shall, when retired, receive retired pay at the rate of 4 per cent of active pay for each year of commissioned service shall not be construed as applicable to said officers when retired for disability incident to the service, intended to be proposed by him to House bill 13793, the War Department appropriation bill, which was ordered to lie on the table and to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The message further announced that the House had passed a bill (H. R. 10819) relating to the Department of Agriculture, in which it requested the concurrence of the Senate.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 4029) to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874, and it was thereupon signed by the Vice President.

## HOUSE BILL REFERRED.

H. R. 10819. An act relating to the Department of Agriculture was read twice by its title and referred to the Committee on Agriculture and Forestry.

## REGULATION OF RADIO COMMUNICATION.

Mr. KELLOGG. Mr. President, House bill 13773 is the radio bill which passed the House a few days ago, and has not yet been referred. The bill would properly go either to the Interstate Commerce Committee or to the Commerce Committee. The original radio bill came from the Commerce Committee; but after consulting with the Senator from Washington [Mr. JONES], he thinks that as the Interstate Commerce Committee

has taken some testimony on this subject the bill ought to go to that committee, and I ask that it be so referred.

The bill (H. R. 13773) to amend an act to regulate radio communication, approved August 13, 1912, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

## DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT.

Mr. JONES of Washington. I desire to submit a conference report on the District of Columbia appropriation bill. The principal items in the bill are reported in disagreement. The conferees on the part of the House will submit some proposals to the House, which will later come to the Senate. Otherwise the agreement simply covers minor items in the bill. I ask for the present consideration of the report.

The PRESIDING OFFICER (Mr. LADD in the chair). Is there objection to the present consideration of the conference report presented by the Senator from Washington? The Chair hears none. The Secretary will read the report.

The Assistant Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 7, 10, 11, 16, 29, 32, 40, 41, 42, 43, 45, 47, 48, 60, 61, 62, 63, 67, 68, 77, 78, 80, 81, 82, 90, 92, 93, 97, 107, 109, 110, 111, 113, 119, 122, 128, and 130.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 13, 14, 17, 18, 20, 21, 22, 23, 26, 27, 31, 34, 35, 36, 37, 38, 39, 50, 52, 59, 66, 70, 72, 73, 79, 85, 86, 89, 91, 94, 95, 98, 99, 102, 108, 114, 115, and 125; and agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "\$154,180"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and two Ford runabouts of the 'slip-on' body type without self-starter, not exceeding \$550 each; in all, \$3,750"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: " : Provided, That after April 30, 1923, until the constitutionality of the act creating this board shall have been determined by the Supreme Court of the United States there shall not be expended from this appropriation or from the appropriation for this board for the remainder of the fiscal year 1923 a greater sum than at the rate of \$1,600 per annum for personal services and \$400 per annum for contingent and miscellaneous expenses "; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including an allowance to the secretary of the Board of Charities, not exceeding the rate of \$20 per month, for the maintenance of an automobile to be furnished by him and used in the discharge of his official duties, \$47,500"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "other than motor vehicles for the police and fire departments, but no such vehicles shall be transferred from the police or fire departments to any other branch of the government of the District of Columbia "; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,500"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and



agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$573,300"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$20"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$55,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$20 per month for an automobile, and \$10 per month for a motor cycle"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$20 per month for automobiles, and \$10 per month for motor cycles"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$860,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$20"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$30,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "give his whole time from 9 o'clock a. m. to 4 o'clock p. m., and"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "\$240"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or contracts as in this act provided"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided, That none of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which, exclusive of heating, lighting, and plumbing, shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest bidder complying with all the legal requirements as to a deposit of money or the execution of a bond, or both, for the faithful performance of the contract: *Provided further*, That no architect's fee shall be paid or obligated for plans, specifications, or any professional services whatever unless they are such as will enable the Commissioners of the District of Columbia, or those letting a contract, to secure a legal bid within the amount authorized by Congress for the building or other projects: *Provided further*, That nothing herein shall be construed as repealing existing law giving the commissioners the right to reject all bids"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "The total cost of the sites and of the several and respective buildings herein provided for, including heating, lighting, and plumbing, when completed upon plans and speci-

fications to be made previously and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes, any provision in this act to the contrary notwithstanding"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$20"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$325; maintenance of motor vehicle used in performance of official duties, at not to exceed \$20 per month, \$240"; and, on page 69 of the bill, in line 7, strike out "\$5,137" and insert "\$5,065"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,700"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "\$56,000, and all moneys hereafter received at the reformatory as income thereof from the sale of brooms to the various branches of the government of the District of Columbia shall remain available for the purchase of material for the manufacture of additional brooms to be similarly disposed of"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$136,000"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 91 of the bill, in line 3, strike out "\$40,000" and in lieu thereof insert "\$45,000," and on page 91 of the bill, in line 18, strike out "\$8,000" and in lieu thereof insert "\$10,000," and on page 92 of the bill, in lines 2 and 3, strike out "\$20,000, payable wholly out of the revenues of the District of Columbia," and in lieu thereof insert "\$15,000"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the preparation of designs and estimates for development of the Rock Creek and Potomac Parkway, \$4,000"; and the Senate agree to the same.

The committee of conference have not agreed upon amendments numbered 24, 33, 55, 56, 64, 65, 75, 76, 83, 105, 112, 116, 117, 118, 123, 124, 126, 127, and 129.

LAWRENCE C. PHIPPS,  
W. L. JONES,  
L. HEISLER BALL,  
CARTER GLASS,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

LOUIS C. CRAMTON,  
ROBERT E. EVANS,  
BEN JOHNSON,

*Managers on the part of the House.*

Mr. JONES of Washington. I ask for the adoption of the conference report.

Mr. McKELLAR. May I ask the Senator if the House provision has been agreed to relative to the question of passenger-carrying automobiles?



Mr. JONES of Washington. It was.  
Mr. McKELLAR. And the Senate receded from its amendment?

Mr. JONES of Washington. The Senate receded from its amendment.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### POST OFFICE APPROPRIATIONS—CONFERENCE REPORT.

Mr. TOWNSEND. I present the conference report on the Post Office appropriation bill and shall ask for its immediate consideration.

Mr. LODGE. Is the report a complete agreement?

Mr. TOWNSEND. It is.

The PRESIDING OFFICER. The Secretary will read the report.

The Assistant Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, and 13.

CHAS. E. TOWNSEND,  
THOMAS STERLING,  
LAWRENCE C. PHELPS,  
KENNETH McKELLAR,

*Managers on the part of the Senate.*

C. B. SLEMP,  
MARTIN B. MADDEN,  
CHAS. F. OGDEN,  
EDWARD T. TAYLOR,  
C. D. CARTER,

*Managers on the part of the House.*

Mr. TOWNSEND. I ask unanimous consent for the immediate consideration of the conference report.

There being no objection, the Senate proceeded to consider the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### STREET-RAILWAY FARES IN THE DISTRICT OF COLUMBIA.

Mr. McKELLAR. Mr. President, some days ago Commissioner Keller, of the District of Columbia Public Utilities Commission, published a reply to certain statements I had made about 5-cent fares, in which reply he took occasion to say I ought not to complain of 8-cent fares here when we had 7-cent fares in Memphis, Nashville, and Chattanooga, and 6-cent fares in Knoxville. In making the statement I suppose Commissioner Keller must have thought I was in favor of such fares in Tennessee and was only opposed to such fares in Washington. Mr. Keller is very greatly mistaken.

Mr. President, I am opposed to the present high rate of street-car fares in Washington and I am opposed to the present high rates of street-car fares charged by street-car companies in Tennessee. I want to say that the same cause of the high fares exists in Tennessee that exists in Washington, namely, a public utilities commission. I shall not speak of the street-car situation in Nashville, Knoxville, and Chattanooga, because I am not absolutely familiar with their contracts. I think, however, that each of those cities has a contract with the respective street-railway companies for a 5-cent fare. I know this is true in Memphis. It is a charter contract, just as it is in Washington.

However, a public utilities law was passed in Tennessee for the ostensible purpose of regulating public utilities, and there, as here, instead of the commission regulating the public utilities, it has permitted the public utility companies to violate their contracts by raising their rates of fare. So incensed were the people of Tennessee at the action of the public utilities commission in raising street-car and other fares that the question of the abolition of the utilities commission became an issue between the Democratic and Republican Parties in the last campaign. Governor Peay, candidate of the Democratic Party, taking the position that the utilities commission should be abolished. He was elected by 38,000 majority. A bill is now pending to abolish the utilities commission of that State, and I have no doubt that the platform pledge will be lived up

to and the utilities commission abolished and all the street-car companies of the State required to operate their lines in conformity with their several contracts.

I am in favor of the abolition of the public utilities commission in Tennessee just as I am in favor of abolishing the Public Utilities Commission here in Washington. In both places, without making any charges whatsoever against the members of the commissions personally, the result of their action in regard to street-car fares has been favorable only to the street-car companies and not in favor of the people. In both places the utilities commission has assumed the right to permit the street-car companies to violate their contracts. The utility commissions were never created for any such purpose. At the time of their creation there was never any claim made that they would have any such power, and their exercise of the power is wholly unwarranted and, in my judgment, without the pale of the law. If the constitution and laws were properly administered, the action of the Tennessee Utilities Commission in raising fares in violation of contracts would be unconstitutional and void as contrary to that provision of the United States Constitution which inhibits a State from passing any law impairing the obligation of a contract.

Mr. President, there is another similarity between the Memphis street-car situation and one of the Washington street railway companies, namely, that in each place the street-car company is undertaking to secure fares high enough to earn dividends on watered stock. During the time I have been in Memphis the street-car company has been reorganized two or three times, or possibly more, and each time there was an enormous addition to the stock issued. Just now, even with 7-cent fares, that company is not able to make dividends on its watered stock and is in the hands of a receiver.

Mr. Keller claims that the Washington Utilities Commission is not undertaking to say that the Washington companies shall earn dividends upon watered stock, but that the purpose of the commission is to keep the fares at such a rate as will earn a reasonable return on the valuation of the company. Of course, Mr. President, we all know that this is just another way of providing for the earning of dividends on watered stock. Valuation is always a matter of opinion. The real question is, What amount of money has been invested by the present stockholders? It has never been denied that much of the present stock of one of the companies is watered stock, and that watered stock is now selling at a very high price solely because the commission has raised the rates so high as to earn money on such watered stock. The Congress owes it to the people in the District of Columbia to prohibit the earning of dividends upon watered stock regardless of valuation. The Utilities Commission was created to prevent the street-car companies from exploiting the citizens of Washington. Instead of its carrying out its original purpose, it is aiding the street-car companies in exploiting the citizens. The Congress also owes it to the people of the United States to set a good example to the rest of the country in prohibiting the exploitation of the people of the District of Columbia for the benefit of these stock manipulators.

I want to take this occasion also to say, Mr. President, that high street-car fares is not the only subject upon which our Public Utilities Commission here is at fault. I have no doubt the commission is permitting the gas company and the electric light company and other public utilities to charge rates higher than are permitted in their contracts. I am inclined to believe that the whole public utilities commission law should be repealed, but for the present I am not going to take up the matter. My first purpose is to confine myself solely to reducing street-car fares in Washington to accord with the contracts between the Government and the companies. The adoption of the amendment I have offered to any one of the District bills would effect this purpose. When we get street-car fares reduced in accordance with the contract, we will take up the remainder of the reduction program afterwards. I have offered amendments to various District bills upon which I propose to obtain a vote, if possible, whenever the bills come up. The fight is on and is going to be continued until the matter is settled and settled right.

On yesterday a purported interview was given out by Mr. Keller or one of the other Utilities Commissioners which reads in part as follows:

If any member of the Senate or anyone else can tell the Utilities Commission how it can reduce street-car fares below the present point we will welcome the information, but it is time that Members of the Senate and others also should cease discussing something about which they apparently have never taken the trouble to inform themselves properly. The capitalization of the car companies, I repeat, has nothing to do with the rate of fares, which is fixed on the valuation of the property, which in turn was set by the Utilities Commission.



Mr. President, I shall pass over this lecture of the Senate or Senators by the Public Utilities Commissioners. It is the old story of the attitude of one possessed with a little brief authority. The commissioner who made the statement does himself no credit by making such a statement and does the cause of the street-railway companies no good. I suggest to him that if he wants to continue to serve the street-car companies well and faithfully he had better quit criticizing Senators in their efforts to defend the people of Washington against the depredations of the predatory interests.

#### WORLD WAR FOREIGN DEBT SETTLEMENT.

Mr. HARRISON. Mr. President, on yesterday the President of the United States came before the Congress and delivered his message. We had thought, indeed many of us had hoped, that it would be confined to the very important question of the agreement entered into between the representatives of this country and of Great Britain with respect to the funding of the British debt. That part of the message touching the agreement entered into between the representatives of this country and the representatives of Great Britain with respect to the funding of the debt was couched in eloquent language and was most adroit. It was a very beautiful picture of the possibilities that are interwoven in the agreement. I shall not to-day, in the brief time I shall occupy the floor, take issue with the President on anything he said respecting the funding of the debt. I think that he exaggerated the situation; that he magnified the possibilities; and that he gave greater weight to the agreement than the facts would warrant.

In the course of his message, touching the funding of the debt, the President said:

The call of the world to-day is for integrity of agreement, the sanctity of covenants, the validity of contracts.

Then he said that the agreement—

is a covenant of peace and recuperation, of respect and cooperation.

He said further that—

It is a new element \* \* \* a reminder of the ways of peace.

Then he drew a picture of the encouragement and inspiration that would come from it when the world, as he said—

is staggering in discouragement and bowed with the sorrows of wars that were and fears of wars which humanity is praying may be avoided.

Now, I can not see why this very beautiful picture was drawn with respect to the covenants of peace. I wonder if the call of the world to-day for integrity of agreement is greater than it was three years ago? I wonder if the call of the world to-day for sanctity of covenants is greater than it was three years ago? I wonder if the call of the world to-day for the validity of contracts is greater than it was three years ago?

I am wondering in my own mind, and I am sure people throughout the country as they read the message of yesterday are wondering, why it is that the distinguished President did not feel the same impulse three years ago that he feels now when the call of the world is for integrity of agreements, the sanctity of covenants, the validity of contracts. I am glad, however, that the President at this late time, almost five years since the war clouds have passed and the armistice was signed, can now say as he said in his message—

Here is the first clearing of war-clouded skies in a debt-burdened world.

I am wondering, since all the power was placed in his hands and he has wielded the scepter now for three years, why during that time he has not done something before that might clear the war-clouded skies in a debt-burdened world. Why, may I ask, has the President of the United States seen fit, at this late day and for the first time on yesterday, to do the first positive act that might lift the war clouds from a war-burdened world?

I can not attach such great significance to the agreement. It may be that the representatives of Great Britain should be praised for their work. I shall not criticize it nor shall I condemn the representatives of this country for the agreement into which they have entered. But I see no occasion for great and profuse praise for Great Britain in this instance. They have done nothing more than every American citizen who knew the history of Great Britain expected them to do. Is it not an honest debt? Were not the American people taxed in order to help them to the amount of the indebtedness? When we made the loan did we not expect Great Britain to comply, as she always has complied, with her promises in the matter of the payment of her indebtedness? What is it the representatives of Great Britain have done in the agreement that the American people did not expect them to do when the money was loaned to them? Why all this praise of Great Britain for entering into the agreement? They have done nothing more nor less in funding the indebtedness, in entering into the agreement, than was expected Great Britain would do.

Some of us, not only on this side of the Chamber but on the other side as well, will defer judgment as to what we shall do until the matter is laid before the Senate. Personally I want all the facts. I do not want to see the agreement delayed in the Senate one day longer than is necessary for the facts to be laid before us and an honest discussion of the agreement had upon the floor of the Senate. So much for that.

Now, Mr. President, when we had expected a message to be delivered on a high plane, as it was on a high plane so far as the funding of the British indebtedness is concerned, namely, the first part of the message, why should the President have come to the Congress and offered insult to the Senate of the United States? About the only time applause was elicited during the delivery of the message was when he said that the Senate of the United States by its delay had shown and exhibited a mark of impotence.

Read between the lines, analyze the language, place the interpretation upon it as those who heard it yesterday did, and no other conclusion can be reached than that the President intended to have the country believe that we were but marks of impotence in the Senate of the United States. He raised that issue and did the unseemly thing of coming down from the high pedestal upon which he should always stand as President of the United States to tie a ship subsidy bill to his message and offer insult to the Senate of the United States. Here is what he said:

Congress owes to itself, to the executive branch of the Government, and to the American public some decisive action.

He was speaking then of the ship subsidy bill. He said:

Mere avoidance by prolonged debate is a mark of impotence on a vitally important public question.

He said further:

I plead for a decision.

Ah, Mr. President, mere avoidance by prolonged debate was not believed in by the President of the United States when he was a Senator from Ohio and with others who entered into the conspiracy with him held up the treaty of Versailles. It was then not a mark of impotence upon the part of Senators to take that course. On yesterday he said:

I plead for a decision.

Yes; and the then President of the United States pleaded for decision with reference to the treaty of Versailles. President Harding did not believe at that time that a mere avoidance by prolonged debate was a mark of impotence, and yet debate was continued in this body and unnecessarily prolonged. Instead of a few days, as has marked the consideration of the ship subsidy bill, it wended its weary way along for, I believe, almost a year. Not only did the now President of the United States, who was then a Senator from Ohio, assist in prolonging the debate and avoiding the issue and not making decision with respect to the treaty of Versailles, but he was one of the Senators who signed the round robin serving notice upon the representatives of this country at Versailles that no matter what they did if the League of Nations, which was intended to promote the peace of the world, should be included within the treaty of Versailles it would be not only avoided and delayed but would be defeated.

Ah, Mr. President, he said:

There is call for congressional expression, not mere avoidance.

And further:

I plead for a decision.

It is almost enough to make one who is familiar with the attitude of the President of the United States, the attitude that has marked his course as Chief Executive of this Nation, laugh when he hears him tell the Senate of the United States that it must show some mark of decision, some action, some program, some policy. The President of the United States telling us that we ought to evidence some qualities of decision! Why, Mr. President, the executive department of this Government does not know what the word "decision" means, and it has not since it took control of the Government two years ago. The executive department have supplanted the word "decision" with the word "vacillation," and no one, not only with respect to our domestic policies but with respect to our foreign policies, has been able to tell one day what would be the policy the next. The administration has worshiped at the shrine of isolation and has marched to the tune of a program of negation. Decision! The administration does not know that the word is in the dictionary; yet the President comes to the American Congress and offers an insult to the Senate of the United States by his expression, as such, because, forsooth, for a few days, during the short session of Congress, some of us have seen fit to oppose his program affecting the ship subsidy bill. Mr. President, I accept the insult that is offered as a compliment



to me and to my people. I have been able in part up to this good hour, in common not only with Senators on this side of the aisle but with some on the other side of the Chamber, to prevent the additional burdens to the amount of \$875,000,000 which are carried in the ship subsidy bill from being imposed on the American people.

The President should have known that we have done pretty well in the Senate of the United States during this session of Congress. He saw fit to call an extraordinary session solely to deal with the ship subsidy bill, and yet during the two or three weeks we were then in session the ship subsidy bill did not come before the Senate; we did not have it here for discussion. So no blame could attach to us for any delay during that time. The blame for delay must attach to those in the majority who have attempted to steer the bill through the Senate of the United States. Since we met in regular session in December last what has been the record of the Congress? Does it warrant the President in finding fault with us for asking a reasonable time within which to discuss the ship subsidy bill, a measure which proposes to revolutionize our merchant marine and at the same time, as I have said, which would carry additional burdens to the American people?

A few years ago—in 1919, I think it was—the distinguished Senator from Washington [Mr. JONES], the chairman of the Commerce Committee of the Senate, reported to the Senate a bill to take care of the merchant marine. We were told at that time that the measure thus reported embodied the policy of the Government with respect to the merchant marine; we were told that if we passed that legislation we should be able to boast of a merchant marine second in all the world only to that of England. I recall that at that time the President of the United States was a distinguished Senator from the State of Ohio, and I shall never forget him rising in his place and making a speech in support of that measure. I recall how he pleaded for its passage; how he said it would guarantee a merchant marine to America; and yet we are now told by the President, who has fallen under the influence of Lasker, who jumps when Lasker pulls the string—and it is due more to Lasker's influence and power of persuasion over the President than to anything else that to-day we have the ship subsidy bill in the United States Senate, which hardly a Republican Senator in his heart indorses—that the funding agreement and the ship subsidy bill "are inseparably related to our good fortunes at home and our high place in the world."

He thought when we passed the Jones merchant marine act that we had enacted a piece of good legislation which would insure to us a merchant marine, but now he tells us that should the ship subsidy bill fail, not only shall we have to liquidate but that we shall also be humiliated in doing so.

Mr. President, what is it that this administration has done which proves that we are trying to take our "high place" in the world? Has it done it by erecting barriers with tariff rates so high that they hamper our international trade? Does it do it by refusing to attend economic conferences in order to stabilize the world which is in distress? Does it do it by refusing to permit the majority Senators here to pass the so-called Robinson resolution to remove the obstacle which the Republican Party incorporated into the law by the ratification of the separate treaty with Germany forbidding the President to name a representative upon the Reparation Commission without the consent of Congress? Is the Republican Party promoting good relationship with all the world and carrying us to a higher level among all people by refusing to permit the distinguished Senator from Idaho [Mr. BORAH] to secure consideration for his resolution proposing an economic conference of European powers? Yet the President has stated that because we have asked for a liberal discussion relative to the ship subsidy bill we are going to lose our "high place" among all the peoples of the world.

Mr. President, I care not how long a Senator may have served in this body, I assert there is not a Senator here who in all his experience ever saw legislation affecting the general supply bills go through more quickly and with less discussion than has been the case as to such legislation during this session of Congress. Have we thrown obstacles in the way of their passage? No; we have cooperated with the majority to provide to all branches of the Government the necessary appropriations in order that the Government might be run in an orderly manner. We have passed every supply bill save one, and it has been done through the cooperation of the minority in this body. Indeed, the only bill concerning which it could have been hinted that there was the slightest filibuster was the agricultural credits bill; and I recall that twice I myself offered a request for unanimous consent to close debate so that we

might vote on it. Both times, however, the objection came from the other side of the aisle; and finally when a unanimous-consent agreement was entered into to vote on that bill, the request for unanimous consent came from the distinguished Senator from Virginia [Mr. SWANSON], a Democratic Member of the Senate.

We on this side proposed a unanimous-consent agreement to stop the debate upon the pending bill. We have been willing to stop debate upon it; but the objections which have been made to closing the debate, as my friend the Senator from New York [Mr. WADSWORTH] knows, because he made such a request, came from a Republican Senator, a friend of the present administration. Yet the President of the United States comes to Congress and with the power and influence he has endeavors to create the impression that we here are recreant to our legislative duty and have not cooperated with the majority in passing legislation through this body. I deny the assertion.

For my part, if the President of the United States and the leadership on the other side of the Chamber would say, "We want to vote on the ship subsidy bill to-morrow, and we will use our influence upon those Members of the Senate who went down to defeat at the November election and who do not now represent the wishes of the people affecting this matter, to cause them to refrain from voting," we would be ready to vote. If such an understanding or agreement could be reached, Senators on the other side of the Chamber know that the ship subsidy bill would be defeated by at least 8 votes in the United States Senate. The most optimistic champions of the ship subsidy legislation in this body claim only 2 majority if any vote should come on the ship subsidy bill, and that 2 majority comes from the fact that at least 10—I believe it is 10, though perhaps the number may be greater—of the Senators who went down in defeat in November will vote for the ship subsidy bill.

Do you think, Mr. President, that the American people when they understand the situation will be hoodwinked or misled about it? If the President wants action on the ship subsidy bill upon the part of Senators who represent the people as well as Representatives in the other House who represent the people, let him call an extra session of Congress on the 5th day of March, so that we may meet here, and then we will give you "a run for your money," and let you have a vote pretty quickly. Are we asking an unreasonable thing when we make that suggestion? Are we to rest under the imputation that we are asking anything unfair when we are trying to defeat a piece of legislation that is wicked; that is monstrous; that is unfair and wrong, which seeks to take from the people \$875,000,000 and give it over to the shipping trust? Because we rise here and protest against that are we to be held up to the country as emblems of impotency?

Now, Mr. President, one more thought and I am through. The shipping trust of this country is not in a bad shape. It made tremendous profits during the war. I will tell the Senate, however, a class of people who are in distress, who have been in distress not for a month or two months, as my friend from Colorado and my friend from Oregon and others know, but have been in distress for three years and more, and that is the American farmer. I do not know what the price of wheat to-day is, but I am told that the wheat growers can not get a reasonable price for it and that every farmer who raises wheat is losing money. I will ask the Senator from Iowa [Mr. BROOKHART] what is the price of wheat to-day?

Mr. BROOKHART. The price is now about \$1.15 a bushel.

Mr. HARRISON. The price is about \$1.15 a bushel for wheat, while corn only a little while ago was selling for from 25 to 30 cents a bushel. I do not know what the price of corn now is, but I know it is not over 60 to 65 cents a bushel. There is distress in every agricultural district throughout this country. Farmers have had their mortgages foreclosed. They have seen their deposits and balances in the banks dwindle and disappear. Distress is everywhere. Rising to the emergency, rising to the hour, this body, which on yesterday the President of the United States lifted his voice against and criticized, passed only last week or week before last two measures intended to help the agricultural interests of the country, one of them known as the Capper bill, the other known as the Lenroot agricultural credits bill, both seeking as best they could to help the farmers and the live-stock men of the country to procure credit so that they might exist and prosper. Mark you, Mr. President, those two bills passed this body by the unanimous indorsement of every Senator here. On the Capper bill there was not even a roll call, so unanimous was the support accorded it; and on a roll call on the Lenroot agricultural credits bill 62 Senators raised their voices and voted in the affirmative, and every one who



was absent was for it. Those bills have gone to the House, and yet I read in the paper this startling headline:

No farm credits until ship subsidy passes—Harding may outmaneuver the blocs after all.

The article says that the leader of the Republican Party in the House went up to see President Harding, and he came back and said: "I am not sure that an agricultural credits bill will pass the House of Representatives."

What is it that this administration would do in order to carry to fulfillment their nefarious measures that can not be defended before an honest citizenship in this country? When the President yesterday was speaking so eloquently in behalf of the Shipping Trust and for the passage of the debt-funding measure, why did he not lift his voice and exert the power of his office, in view of these statements that are printed and the rumors that are here and the plans that are being promulgated, and say to the House of Representatives: "Gentlemen, the Senate has passed two pieces of legislation for the farmers—the Capper bill and the Lenroot agricultural credits bill"? He could have then said: "Gentlemen, they received the unanimous indorsement of the Senate of the United States. I want to appeal to you—because when Congress adjourns on the 4th of March it will not meet, perhaps, unless I call it back, until December, 1923—let me appeal to you, Representatives, to pass the rural-credits legislation." No; the President's time was too much occupied in telling about the ship subsidy bill, and in reflecting on the Senate of the United States, and in urging the passage of that bill.

Why, I have heard it said that some of the high officials connected with the ship subsidy bill say that the word will come down the line that this funding agreement will not be ratified until the ship subsidy bill is out of the way. I hope that is not true, but if you start tactics of that kind you will be to blame for whatever the consequences may be.

The American farmers will read that message of yesterday, Mr. President, and they will wonder not one time but many times why it was that the President, with only these few days remaining, did not appeal to the House, as he appealed to the Senate to pass the ship subsidy bill, to pass the two measures that we have given them to facilitate credits for the agricultural interests of the country.

#### WAR DEPARTMENT APPROPRIATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

Mr. NORRIS. Mr. President, when I was interrupted yesterday by several very lengthy statements of Senators I had commenced to read from the report of the engineers that had been printed in the Record the day before some items that it seemed to me required at least some additional evidence to justify their presence in this legislation. It is true they are not in the bill; this is a lump sum; but we have been informed by this report where the money is to go if the lump sum remains intact and the bill is passed in that form. It seemed to me that where there was a river or a harbor already completed, or nearly completed, and the cost of maintenance that must come out of the Treasury of the United States was practically the same and in some instances more than the entire tonnage that went through the river in the preceding year, the burden of proof was placed upon those who wanted to use the money for that purpose, and that unless it did affirmatively appear that the item was a meritorious one it was a good reason why the lump-sum appropriation should be cut down. I assume that if the lump-sum appropriation is cut down, those in charge of the distribution of the sum will divide it up among those projects which, in the judgment of the Board of Engineers, are the most meritorious, and that the least meritorious propositions will be excluded in the division of the fund.

I had read only one of these items—there are a great many of them—when immediately I was attacked by those who favor the bill in its entirety. I can not be put in the class of Senators who are opposed to river and harbor improvement. I believe in it; but I had called attention yesterday to the fact that river and harbor appropriation bills were in bad repute with the country because history had shown that they contained so many unworthy projects for development and improvement at the expense of the taxpayers of the country, and that the people had begun to regard the river and harbor bill as a pork-barrel proposition gotten together by logrolling tactics, and that by a combination of a whole lot of inferior propositions, a great many of them unworthy propositions, the votes of the Representatives and the Senators were massed in sufficient quantity to give a majority at all times and put the bill through.

For the sake of good legislation for rivers and harbors, for the sake of the fair development of river and harbors and the improvement of our commerce, that condition ought to be eliminated by putting the river and harbor bill and all the items in it above suspicion. While I think it has been improved, that state of affairs has not been brought about and does not exist now in reference to this lump-sum appropriation. Instead of jumping on a Senator or a Representative who modestly calls attention to some item that he thinks ought to be excluded, we ought to have the assistance of all believers in fair development of the rivers and harbors of our country. We ought to unite all those who believe they ought to be properly developed in order to throw off that suspicion and let the bill be able to stand before the country on its merits and eliminate the suspicion that I think was well grounded and that exists yet. So I am not speaking as an enemy of river and harbor appropriations; I am pleading for what I believe to be legislation that will fairly develop those harbors and those rivers that under existing conditions and the condition of the Treasury can be with good business judgment improved and developed.

Mr. President, in the report to which I have referred there are some other items to which I wish to call attention; and I want to hurry on, because I understand several other Senators perhaps want to debate this proposition, and the debate is limited to 4 o'clock, and I do not want to deprive anybody else of reasonable debate.

I notice here an item where the maintenance charge is \$34,500, and the tonnage is 5,165 tons.

Here is another one where the maintenance charge is \$2,000, and the entire tonnage the preceding year was 2,900 tons—practically a dollar a ton. The other one that I mentioned is much more than a dollar a ton.

Here is another one where the engineers propose to use \$5,000 for maintenance in the coming year, and yet the entire tonnage of that stream during the preceding year was only 2,215 tons; more than \$2 a ton.

Mark you, Mr. President, this must be paid out of the Treasury of the United States. Unless there is some specific reason out of the ordinary why these things should be done, it seems to me that we are not justified in taxing all the people of the United States a sum that is from \$1 to over \$2 a ton for all the tonnage that goes down the stream in order that it may be kept open for navigation. As a business proposition no business concern on earth would continue to do such a thing.

[At this point a message was received from the House of Representatives, which appears earlier in the proceedings.]

Mr. WADSWORTH. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. WADSWORTH. I submit a request for a unanimous-consent agreement, which I would like to have read by the Secretary.

The VICE PRESIDENT. It will be read.

The ASSISTANT SECRETARY read as follows:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. on the calendar day of Friday, February 9, 1923, no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 13793, "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes," nor more than once nor longer than 10 minutes upon any amendment thereto that may then be pending, or any amendment that may thereafter be offered thereto, or on any motion made relative to the bill or amendments.

Mr. WADSWORTH. I ask unanimous consent that the proposed agreement may be entered into.

The VICE PRESIDENT. Is there objection?

Mr. KING. I suppose the Senator agrees that there ought to be a quorum call, in order to have all the Senators present?

Mr. NORRIS. If that is to be done, I hope it will take place later.

Mr. WADSWORTH. It is not necessary under the rule to have a quorum. No hour is fixed for a final vote on the bill in the proposed agreement. It is simply an agreement to limit debate to 10 minutes after 2 o'clock to-morrow.

Mr. KING. Speaking for myself, I am willing to assent to it.

Mr. WADSWORTH. I have consulted with quite a number of Senators, and I find no disposition to object to the agreement.

Mr. KING. Did the Senator consult with the Senator from Idaho [Mr. BORAH]?

Mr. WADSWORTH. I did.

Mr. KING. And he agreed to it?

Mr. WADSWORTH. He agrees to it.



Mr. KING. Did the Senator consult the Senator from Iowa [Mr. BROOKHART]?

Mr. WADSWORTH. No; I did not.

Mr. KING. Will the Senator withhold the request until the Senator from Iowa is present?

Mr. WADSWORTH. I will withhold it.

The VICE PRESIDENT. The Senator from Nebraska will proceed.

Mr. NORRIS. Mr. President, another item similar to those I have previously read is an instance where the maintenance charge is \$2,000 and the tonnage is 1,800 tons. Another one is where the maintenance charge is \$2,000 and the tonnage is 1,050 tons, practically \$2 a ton. I could go on and give many other items similar to these, some worse and some not so bad. I wonder if we understand that it is proposed that we shall take, for some little locality, for some local community, for their benefit entirely, enough money from the Treasury of the United States to pay \$2 a ton, or 50 cents a ton, for the tonnage which passes through the stream or enters into the harbor?

Can we, under any system of government, justify that? I appeal to those who are behind river and harbor appropriations, where there is some justification for appropriations, can we afford to put before the country the good propositions jeopardized by putting in with them a lot of unworthy propositions? Are we not now, under the present parliamentary situation, up to this point, that if we have any river and harbor improvements at all, we must cut down this lump sum in order to compel those who are to distribute the money to divide it up among the good ones and cut out the poor ones?

There is a reason now why we ought to be more careful than under ordinary conditions, which I mentioned yesterday. It is the condition of the Federal Treasury and the necessity for the levying of heavy taxes in order to make both ends meet, speaking in a governmental sense. We ought to be more careful now than under ordinary circumstances. It is only good business that we should.

Complaint was made when I called attention to the Ohio River, in connection with which the report shows that if we do not appropriate this large sum the engineers will not be able to begin three dams which are necessary before work on that stream can be completed. I would be glad if those improvements could be completed to-morrow. I would be glad if we could carry enough money in the bill to complete them next year or permit them to go as far toward completion as possible, but the question arises, under the financial condition of the country and the people, Can we afford to do it? Would it not be better to postpone the construction of those three dams? There would be no loss to the taxpayers because of their postponement. If we cut down the appropriation so the engineers could not go on with the work on the dams which are partially completed, then good business judgment would dictate that perhaps we ought to strain ourselves in order to keep that work going so that there would not be a loss, but where something has not been begun we ought to take the condition of the country and the Treasury into very serious consideration.

I frankly admit that if we reduce the appropriation it will postpone for another year at least the completion of some of the projects—for instance, the work on the Ohio River—but it would not result in navigation on that river being blocked. Senators yesterday referred to the immense volume of traffic now passing along that river. There will be more when the plan laid out for the entire stream is completed, and I will be glad when that is completed. But we can not do it all at once. It has been the argument of Senators—and in one sense it is a good argument—that the quicker we can complete these works the better; and if we had unlimited funds we ought to go on with them.

There is another reason why there should be a postponement. In all probability this work can be done cheaper in a few years than it can be done now. That is another consideration for the taxpayer. Unless we have it started and in such a condition that it would be injurious not to continue the work, where we would be apt to lose some if not all the money already expended on an improvement, then, it seems to me, we ought to hesitate.

We have gone way beyond the estimates. In this bill we have practically doubled the estimates made under the Budget law. Yesterday a question was raised about an item for an improvement down at Galveston, Tex., and the Senator from Missouri [Mr. SPENCER] was laboring under the impression that if we did not give the entire amount they could not do anything with that. He thought it was a new project. As a matter of fact, the testimony of General Taylor shows that if we cut the appropriation down to what the Budget estimated that work will be completed.

Mr. SPENCER. Is the Senator referring to Galveston?

Mr. NORRIS. Yes.

Mr. SPENCER. May I say to the Senator that neither Galveston, or Coos Bay, or the improvement at Milwaukee, to which I particularly referred, can be touched if the appropriation is cut down to the Budget figure, except by the elimination of projects which have already been begun and whose maintenance is essential. It may be that Galveston will be of such tremendous importance—the extension of the improvement there is included among the 35 new projects adopted by Congress in 1921—that the engineers may include the improvement at Galveston out of any fund they get, because of its importance; but if they do, it can only be at the expense of cutting out some established project, because the \$27,000,000 is only enough for the existing harbors.

Mr. NORRIS. I presume that is true, and that we can not cut down the amount proposed to be appropriated without cutting out some of these projects. If we cut down the amount, something will have to be dropped out. Is it not fair to presume that the most unworthy projects will be dropped out if we put it up to those who have charge of the matter, our engineers, our scientific men, and say they can have only so much money, and that they will have to curtail some of these things? Is it not fair to presume that they will cut out the most unworthy ones and will use whatever amount may be given in carrying on those which are most worthy? It is true that we can not cut the amount down without cutting out some of the improvements.

Something was said yesterday and the day before about the effect of these improvements upon railways. I think there is a great deal in that. During the war we built some very fine barges as a war proposition, because of the congestion of freight traffic on the railroads. I do not know how many there were, but we built quite a large number to be used on the Mississippi River. When the war was over some of them were put on other streams. We built barges without any engines in them, barges which had to be towed by other boats. We also built quite large river steamers which carried their own power. We paid the war cost for them. We built them at the peak of prices, but we built good ships. As far as I know, no man has ever denied that they were up to date in every respect. We got the best there was to be built. Now, when the war is over, when we could duplicate those barges and those ships for 50 cents on the dollar compared with what they cost during the war, if a business man were operating them he would charge off half of the cost, or whatever amount of it might be necessary to bring them down to present prices, and he would compute his overhead charges on that basis. It seems that the Government has not done that. These barges and these ships are being operated. As a whole, they have made a profit. Even with their fictitious value, they have been doing a great work. They are operated by the Government. Contrary to the statements of those who are always opposed, honestly and conscientiously, to the Government operating anything, Government operation in this case has been a success. It has been the means in a great many instances of cutting down the freight charges where they compete with the private owners. I understand that one tug can start at St. Louis with six or eight barges and take several trainloads of freight at once down to New Orleans.

They are equipped for unloading from the train onto the barges. One of the handicaps now existing is that even with the barges built during the war we do not have enough to take care of that traffic, to meet the railroads which center at St. Louis and bring in from all over the West and Middle West various kinds of agricultural products. I am glad to say we are utilizing the barges and ships for that purpose. I would like to extend operations and business of that kind. I would like to have it go further and on other rivers. If it is successful there and cuts down freight rates and thus reduces the cost of living to the consumer, on the one hand, and gives additional profits to the producer, on the other hand, it is a good thing, because we all know that our freight rates are too high. Our civilization can not live under them and prosper; we can not stand it.

I think I mentioned a few days ago, while the debate was progressing, that several of the boats built by the Government are on the Warrior River in Alabama. They go down the Warrior River and carry freight clear to New Orleans. When they were put on that river the freight rates on various kinds of commodities within 50 or 60 or 100 miles of the river to New Orleans and adjacent points were cut down, automatically put down to begin with, and those barges have not had a square deal with the railroads. I have heard Senators here discussing who was to blame for it. If they had had a square division of profit, even with that fictitious capitalization, the boats would have



made money for the Government. Taken as a whole, they made money anyway, but in many instances they have lost money. They have been capitalized at double what they should have been capitalized for. Where they had to divide the freight rate on any article between the railroads and themselves they have gotten practically nothing and the railroads nearly all of it, although in most instances the haul made by the boat was three or four times longer than the haul made by the railroads.

Now, Mr. President, one reason why there is objection to river and harbor legislation—one reason in addition to the one I mentioned a while ago that gave to this kind of legislation the reputation of being a logrolling or pork-barrel institution—is that the railroads have put water transportation out of business. The taxpayers put up the money and dig out the stream and make it navigable. The railroads put down the rates in competition with the boats which are put on the stream until they get the boats out of business, and then the rates go up. I believe, therefore, that we will not be able to get results for the money that we spend in the development of our rivers and harbors until some action in that direction is taken. It may be that the Interstate Commerce Commission have authority to take it, but whether they have or whether they have not, they have not taken any action.

I believe we will not get results until Congress takes some action in regard to the differential in rates between the river boats and the railroads. We ought to provide some law, even an arbitrary one, if we can not get the Interstate Commerce Commission to act, by which the practice of putting the transportation business off the rivers would be prohibited. We can not fairly ask the taxpayers of the United States to develop the Mississippi River, for instance, or ask the Government or business men to build boats to ply up and down that stream, if it is known that whenever they go on there they are going to meet unfair competition and are going to be put out of business, and then the people will have to pay all the expense back to those who put them out of business.

There must be some plan of fair division of rates where there is a division. There should be some law that would prohibit rail transportation companies from lowering a rate below a compensatory basis in order to put the water carriers out of business. Otherwise what is the use of spending the people's money to make the improvements in the streams? We might develop every harbor, every stream, every river in the United States, but unless we right that condition we would not get the worth of the taxpayers' money that would be expended.

I want to be regarded by the friends even of this appropriation proposition as one who is willing to go even to the extent often of experiment in order that we may bring about a reduction of freight rates. Even though I had doubts, if we were in normal condition I would be in favor of expending money to see whether by its expenditure we could not reduce the cost of transportation. That must be done, and personally I believe it can be done.

Mr. President, there are several other Senators who want to talk on the pending proposition. I am loath to use any more time because of the limitation on debate. I think, although there are several other things to which I should like to call attention, that in order to be fair to my colleagues I had better close at this point. I therefore yield the floor.

Mr. WADSWORTH. Mr. President, I renew the request for a unanimous-consent agreement, which I submitted a short while ago. I may say that I think I have now discussed the matter with all the Senators who are interested.

The PRESIDING OFFICER (Mr. LADD in the chair). The request for unanimous consent submitted by the Senator from New York will be read.

The ASSISTANT SECRETARY. The Senator from New York asks for the following unanimous-consent agreement:

It is agreed by unanimous consent that from and after the hour of 2 o'clock p. m. on the calendar day of Friday, February 9, 1923, no Senator shall speak more than once nor longer than 10 minutes upon the bill H. R. 18793, "An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes"; nor more than once nor longer than 10 minutes upon any amendment thereto that may then be pending, or any amendment that may thereafter be offered thereto, or on any motion made relative to the bill or amendments.

The PRESIDING OFFICER. Is there objection to entering into the unanimous-consent agreement as read?

Mr. FLETCHER. Mr. President, I make no objection to the request for unanimous consent; I think it is quite reasonable; but I desire to inquire whether it is the purpose that at the close of its business to-day the Senate shall take a recess until 12 o'clock to-morrow? I think we ought to do that if we enter into the unanimous-consent agreement.

Mr. WADSWORTH. So far as I may do so, I am willing to agree that the Senate shall take a recess until 12 o'clock to-morrow if we may get this unanimous-consent agreement.

Mr. FLETCHER. With that understanding, I have no objection to the proposed unanimous-consent agreement.

Mr. McKELLAR. There will be no trouble about the Senate recessing until 12 o'clock to-morrow, I am sure.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement submitted by the Senator? The Chair hears none, and it is entered into.

Mr. CARAWAY. Mr. President, I regret that the Senator from Nebraska [Mr. NORRIS] and the Senator from Arizona [Mr. ASHURST], who have so bitterly assailed the item in the pending bill relative to river and harbor improvements, should have been called out of the Senate as soon as they had concluded their remarks. I wish briefly to discuss statements made by those Senators.

The Senator from Nebraska was very much concerned because, as he stated, the rivers and harbors bill was falling into disrepute, and he appealed to friends of river and harbor improvement to take some action to restore such improvements in the confidence of the people. I wish to say, Mr. President, that if legislation for the improvement of rivers and harbors is falling into disrepute, it is because of statements assailing the advisability, the propriety, and even the honesty of making such appropriations, which are made by Senators who live in sections of the country where there are no rivers to be improved and where there are no harbors. They assail river and harbor improvements each year and then imagine, because the newspapers published in their localities reflect their opinions, that the improvement of rivers and harbors as a governmental policy has fallen into disfavor.

I do not question the patriotism and the desire to be of service to the whole country of the two Senators, but what is remarkable to me is that every improvement that is to be made in their particular sections of the country, including the reclamation of the desert, the building of roads through national parks, the setting aside of great areas to be maintained at public expense as national playgrounds, is always a justifiable and a wise expenditure of public money.

The Senator from Arizona yesterday waxed fervid in his criticism of the river and harbor item of this bill and those who support it. He said:

This river and harbor provision of this bill was prepared to pass. This Congress is officially in extremis and it can do no more fitting thing as a capstone to its discreditable record than to reach its hands into the Treasury and squander \$28,964,150 of the money of already heavily burdened taxpayers. One discreditable feature of this item is that this unnecessary expenditure is included in the military appropriation bill.

The President of the United States, I believe, would veto this item if he could separate this excess above the Budget recommendations and approve as to the amount actually needed. The Budget officials know how much money is necessary, and they have estimated for that amount, to wit, \$27,625,170.

The Senator from Idaho [Mr. BORAH] is wasting his time in opposing this measure. This bill is loaded to pass. The "skids are greased" so that this item will easily slide through. Not 20 votes can be mustered against it under any circumstances. I desire to vote for the Army appropriation bill, but I fear that to do so I must vote for an excess expenditure of nearly \$29,000,000. The Budget cracks and collapses when the pork barrel rolls over it.

Passing over, Mr. President, the inference, which really amounts to more than an inference, that all those who expect to vote for this appropriation are "pork-barrel" statesmen; that they are actuated by motives that would not bear investigation; that they are looters of the Public Treasury; that it is an unpatriotic thing to do—I say passing all that, I wish to call attention to the fact that no one on this floor has been more insistent than has the Senator from Arizona in getting appropriations for his own particular section of the country. There great reclamation projects have been built, when it has cost so much to reclaim the lands that the people who went upon them have never yet paid a penny they contracted to pay for the land; they have not paid for the water they have used; they have not even paid the interest. Ever since I have been in Congress for 10 years we have passed bills to extend the time when they should comply with the various provisions of their contract.

We have during the present Congress at different times voted appropriations to give seed wheat to these people. It was called a loan, but we made such a loan to them year before last and last year the crop was worse each year than it was last. So we wiped that off and extended them another loan, which all of us know is not a loan but a gift. That money comes out of all the people of these United States; and yet the Senator from Arizona and the Senator from Nebraska have no complaint against that policy, but I will not say because the money is to



be expended in the particular sections of the country which they represent. That is honest statesmanship, but it would be "pork barrel" if any other section of the country gets a penny.

I know how the Senator from Arizona stood here day in and day out and accused other Senators of lacking vision because they would not give him a duty of 35 cents a pound on cotton that grew in Arizona and in a little valley in California whenever a dollar given to the producers of that cotton in Arizona and California had to come out of the pockets of the poor people of this country who wear cotton clothes. But that was wise, because it would be spent in Arizona; it was something that ought to be done.

I regret that the Senator from Arizona is not here. I called his attention to the fact that I wanted to discuss his speech. Of course, he has a right to go away; I presume it will not interest him; but I do not want anyone to imagine that I am criticizing his attitude in his absence without his knowledge. It would seem that Budget recommendations have nothing to do with legislation that is to bring money to that particular section of the country but are sacred things if they are to prevent the expenditure of public moneys in some other section.

The Senator from Arizona in effect said, "I want to vote for the Army bill; I want to spend \$250,000,000 to build a machine to destroy life; but I am against spending \$29,000,000 as an absolute waste of public funds if it will help to increase the wealth of the people of this country by spending it upon river and harbor improvements."

That is good local statesmanship, Mr. President; but if that policy were to be pursued, we people who tried to go out of the Union in 1861 were respecters of the Union as compared with those who want to nullify the Government's activities except where those activities shall be used for their particular locality and their benefit. We never did go that far. There were at least 11 States of us who agreed to stand together, but this attitude would mean that each State shall fight every other State for every dollar of the public funds and for every activity of the Government.

I have been tolerant of the opinions of people who do not agree with me. I have voted for appropriations when I realized that I did not know the wisdom of them, but I was willing to take the word of Senators who were more familiar with the matter. I have voted to extend the interest payments on all the reclamation projects. I have voted for these projects whenever they have been presented to me. I voted for every one of the measures to give free seeds to the people in the West. I voted for \$20,000,000 to buy corn to ship to Russia, and yet I knew that largely it was to relieve the necessities of the corn growers of the North and West. I did not object to it. I hope to God I shall be able always to remember that there are 48 States in these United States, and that each one of them has as much right as the particular section that I represent. I hope I never shall forget that it is no part of the duty of a Senator to fight everybody else for every dollar there is in the Public Treasury, that it may be spent in his own particular locality.

However, I am willing to say that if that is to be the policy, if the Senators who represent these arid areas are to demand everything for their section and fight everybody from every other section, if that is to be the policy of the Senate, it is as well that the rest of the country shall know it. Nobody said, when these matters were up for the arid sections, that they were grabbers or pork-barrel people. Nobody accused them of "greasing the skids" that they might get a measure favored by them through the Senate, or get something to which they were not entitled. I never have heard that charge made in either branch since I have been a Member of Congress. It is left for the Senators from that section to talk about the pork barrel when it comes to river and harbor measures.

It would be so much better if we could have just a little vision—if the two Senators from Utah, who fight this measure so viciously, had the vision of the founders of Utah and could look a little into the future. All of us know that when unfortunately a mob killed the leader of the Mormon church in Illinois, and these people started west, and went west and west and west to beyond the mountains, there was not anything there then. There was no traffic there. There was no commerce there; there were no farms there; but they had vision, and they founded a great State, and increased the national wealth of the entire United States, and builded a wonderful civilization.

There was not any commerce when the Pilgrim fathers, beaten by the storms, were tossed upon Plymouth Rock one winter day in 1620. There was not any commerce on the James River when the people came there in 1607 and made the

beginning of European civilization in America; but the people had vision, and they looked forward to a future.

When Thomas Jefferson for \$15,000,000 bought all the Louisiana Purchase from France people opposed it, and Senators in this body opposed it. They said it was worthless; and yet if Thomas Jefferson had not had vision, and had not expended that money, all of the States that are now the homes of these people who now fight the rivers and harbors appropriation would not have been. That part of the country would have remained a desert, inhabited by coyotes and Indians and buffaloes, as it then was.

If there had not been vision, we would not have bought Alaska. The administration was ridiculed for buying that frozen strip, and yet in one year it paid back five times as much as it cost the Government. It took some vision when the Thirteen Colonies stretching along the Atlantic coast were willing to reach out and develop a wilderness. The State of Virginia, for instance, gave up an empire to which she had as good a title as had she to any foot of land that now is within that great Commonwealth. She gave it up for the public good; and yet, if her Senators stand here on the floor and ask for an appropriation to take care of her rivers and harbors they are denounced as "pork-barrel" statesmen by these people who profited and never paid.

There ought to be some limit to such extravagant statements. I am in favor of river and harbor improvements; and yet, when we try to take care of our situation, the Congress, wise or otherwise, said: "For every two dollars the Government shall put up, you must put up one"; and we went into our pockets and taxed ourselves when our country was a swamp, and we are paying taxes to-day, and our children's children after us will keep paying taxes, to meet our part of it.

I am not complaining about it. I do not think it was the same attitude that had been adopted toward other sections, but we took whatever the Congress gave us. We did not denounce it. We do not denounce it now. We do not say that people who got better treatment were pork-barrel beneficiaries, or that they "greased the skids" in order that legislation might pass. I have never thought it. I have been willing to concede that Senators vote for a measure or against a measure because, in their judgment, it is wise. I can say that I have not discussed with a single Senator in this body whether "if we will support this proposition, you will support that." It never has been discussed, so far as I know, by anybody who is in favor of this appropriation.

The Senator from Nebraska [Mr. NORRIS] has picked out some particular projects—talked with great fervor about the waste of money. I should like to call his attention to the fact that the so-called minor rivers receive in this appropriation \$181,820, and no more, for improvement; and yet these streams that he denounced carried upon their half-improved bosoms last year a total freight of 4,798,709 tons. If freight were moved at a dollar a ton cheaper by water than by rail, there would be practically \$5,000,000 paid back to the people of this country for an expenditure of \$181,820, but the record that I produced yesterday, which came from the Interstate Commerce Commission, shows that the saving to the people where they may have water rates and for that section of the country where river improvement has made water transportation possible is twice as much as a dollar a ton, or, in other words, the country is richer by \$10,000,000 for the expenditure of \$181,820; and yet, because people advocated the expenditure of this money to save this tremendous burden, they are called "pork-barrel statesmen," and it is said that the "skids have been greased" to pass this "iniquitous measure."

Oh, Mr. President, it is so easy to fall out with people and denounce them without analyzing the motives that actuated them. I say that the great cry of this country is for transportation—reasonable transportation—transportation that will let the city live as well as the farmer live, because whoever imagines that because we cheapen the production of farm products or cheapen the transportation of them to the markets all that benefit inures to the farmer has not studied economics. People in the country produce. If they ever are to have the cost of production, we must take into consideration the cost of transporting their production to market. The people in the city must live, and they can not live unless they buy those things that the farmer produces. Therefore, if there is a single appropriation that reaches every man, woman, and child that breathes it is something that cheapens the cost of living, because all must eat and all must wear, and every bite of food they eat and every yard of cloth they wear must be produced in the country. It is not produced on Broadway, nor is it produced on the old historic Commons in Boston. It is produced on somebody's farm; and now, with some chance to develop



waterway transportation so that we may demonstrate that the rivers can be used, we are called "pork-barrel statesmen."

Mr. President, here is the truth: Knowing how much cheaper river transportation could be than rail transportation, when we provided for the operation of the Government barges we wrote into the law that they should not reduce their freights more than 20 per cent below those that the commission might approve for rail-competing transportation. If it were not for that, Mr. President, we could to-day haul the freight on the rivers of this country for 50 per cent of the rail charges.

In order to keep the barge lines from cutting below that, we wrote into the law that they must charge 80 per cent of the rail rates. The lower Mississippi last year carried 10,000,000 tons of freight. It could have carried much more if some little stretches in the river were improved. From Cairo to St. Louis there are times in the year when the channel can not be used, not because there is not plenty of water, but because it is scattered over such a wide channel. With a very nominal improvement it would be possible to reach the Gulf with practically half the wheat and corn that is grown in the great upper Valley of the Mississippi River between the Rockies and the Allegheny Mountains at an enormous saving; and yet, because that is suggested, somebody from an arid State says we have "greased the skids," and how happy they would be to vote against the measure if it were just put out on its merits; and what is funny, Mr. President, is that both of these gentlemen who so denounce that matter were for the rule under which we tied our hands. I voted against it. I wanted to get a chance to present the matters on their merits, but other Senators who did not agree with us tied their hands and ours, and now complain as if we were responsible for a condition for which they themselves solely are to blame.

I heard the rather remarkable statement made here yesterday that it might be profitable to transport freight by river short distances but not long distances. Everybody knows that the advantage comes more when the distance is great. Loading a barge with coal or iron or structural steel at Pittsburgh and sending it to New Orleans, over 3,000 miles as the rivers run, it can be carried for practically nothing. It can be carried 3,000 miles almost as cheaply as it can be carried 300, because the cost is in the loading and unloading.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I yield.

Mr. STANLEY. I take this occasion to add that freight can not only be carried more cheaply from Pittsburgh to New Orleans by water, but it can be carried with greater celerity. A steamboat plying that river makes comparatively few stops, and will make 15 miles an hour. It will run 24 hours in the day, with the exception of the time it stops at a few stations to unload. A freight train travels less than 30 miles a day.

If a contractor in New Orleans is putting up a steel building, and has a steamboat loaded with structural and standardized shapes, and has need, before his boat gets there, of these articles, he knows exactly where his steamboat is; he knows just where it will land, and he can go to dealers and without hesitation take their entire supply of that same commodity, with the understanding that he will replace it, where they do not want to sell out their stocks entirely.

There is no reason in the world why semifinished products and heavy freight should be transported by rail instead of by water, except under such conditions as we find on the Ohio and the Mississippi Rivers, especially the Ohio, where you can not always count on river transportation because the stream is not canalized. In addition to that, wherever merchants doing a heavy freight business patronize the river, they are discriminated against by the railroads. There has been a system of blackmail exercised by the carriers against the users of river transportation which ought to be investigated in this country; and I am not railing against the railroads, either.

Mr. CARAWAY. Another thing, Mr. President. We know the difficulty of moving freight at all by rail. If the higher class freights only were moved by rail, it could bear the higher commodity prices, but when the tremendous rates which are now in force are applied to all classes of freight, industry all over this country is paralyzed.

As an illustration of the difference between water transportation and rail transportation, I had occasion at one time to buy screen doors and windows in Maine. They came to Savannah by sea and then crossed from Savannah to Memphis, Tenn. I live 60 miles from Memphis, and my freight bill for the

last 60 miles was more than the bill for the first 4,000 miles because of the difference between the rail rates and the water rates.

It does not avail much, however, to argue about these matters. If the rule is to be laid down in the Senate that if the improvement to be made is not in my immediate vicinity it is a waste of public revenue, it is not worth while to argue about this matter, because then the question becomes one of geography only, and all one has to do is take down his map and see how far he is from a river. According to that theory a Senator is guilty of an offense if he votes for such appropriation if the improvement is beyond a certain milepost. The appropriation is always wise or otherwise as it may be near or remote. I say that if that rule is to be adopted arguments might as well cease. It is but a question of geography, depending on whether more people live remote from the improvement than near it. It is not a question of general benefit. I hope, however, that rule is not to prevail.

There is now a motion pending to reduce the appropriation to what it was last year. Some Senators have the impression that this \$13,000,000, if added, is to be distributed among the projects which were taken care of with the \$43,000,000 appropriation last year. That is not true. The new appropriations are for new projects which the Senate authorized last September. That appropriation was to take care of projects contained in a bill which was approved the 7th day of last September. Therefore, if we cut off that \$13,000,000, we will cut it off from projects to take care of which we appropriated \$43,000,000 last year. Many of them are projects which are already carrying tremendous freight tonnages, one of them to cost \$600,000, for the improvement of a ship channel, which last year lacked just a few tons of carrying 9,000,000 tons of freight. It is desired that that be cut off. Senators want to cut off all those projects which do not show tremendous freight-carrying capacity and use. If the policy of never providing means to transport freight until freight was being hauled over the route had been pursued, the pioneers would never have built a railroad. They built railroads into the trackless desert, into the wildernesses, and civilization and commerce followed them. It seems to me to be so unreasonable to say that we will never make provision for carrying freight until freight is being carried. The other rule should prevail; first improve the freight-carrying arteries and then expect commerce to follow the improved highway, and not that it shall precede the improvement.

#### THE FERTILIZER PROBLEM AND THE FARMER. MUSCLE SHOALS AND NITROGEN FIXATION.

Mr. LADD. Mr. President, since the question of an appropriation for the future development of Muscle Shoals, for the construction of a dam, and for other purposes is involved in the present Army appropriation bill, I feel that the present is an opportune time to discuss some phases of this highly important subject, which is attracting not only the attention of the American people but has come to be a matter of concern before the legislatures of several sovereign States, and must in all fairness be disposed of in the near future.

Failure to have permanently settled this perplexing political question, which should have been only the economic question of national protection and in time of peace an adequate supply of fertilizers for the farmers of America, has been an unfortunate affair. The delay is depriving agriculture of an essential supply at reasonable prices of the nitrogen fertilizer that is so necessary to economical food production and for soil enrichment and is costing the people untold amounts.

Can we afford to continue the present "watchful-waiting" policy or should we act in accordance with some definite national policy which may have been developed during the past five years in study and research in this great and important field for our national defense and for the purpose of insuring cheap fertilizers to our farmers in times of peace? Thus far only one definite, practical policy has been worked out, and of this I expect to speak more fully at a later time.

Mr. President, the Senator from Nebraska has indicated his intention to propose an amendment to the Army appropriation bill which would call for appropriating \$2,000,000 to carry out certain experimental operations at nitrate plant No. 1, at Muscle Shoals, Ala. I am entirely in sympathy with the Senator's evident desire to see the nitrate problem solved, but, Mr. President, my studies of this subject convince me that this is not a move in the right direction.

It is not my purpose in addressing the Senate to make a speech, Mr. President, but merely as a chemist to make a plain statement of the facts in the case, for the facts are a matter of record and anyone interested can confirm them for himself.



## SIGNIFICANT ATTITUDE OF AMERICAN CAPITAL.

Before discussing the technical questions involved I would like to point out this undeniable fact: The supremacy of the American people in business matters has been established beyond question. American capital and American enterprise is constantly seeking opportunity. If the development of Muscle Shoals constitutes a great opportunity to secure financial rewards running into the hundreds and thousands of millions of dollars, as has been represented by the opposition, it is inconceivable to me that these great financial interests, amply supplied with capital, able to buy the best brains which the most advanced country on earth has produced, should decline to come forward with a proposal for this enterprise.

## EFFORTS OF DOCTOR GLASGOW.

The Senate will recall that the former nitrate director, Dr. A. G. Glasgow, earnestly sought to interest private capital in the operation of the nitrate plants, offering them the plants rent free until they should earn 9 per cent on whatever investment was necessary for their operation, and thereafter dividing additional profits evenly with the Government.

His associate, Mr. G. J. Roberts, described Mr. Glasgow's efforts before the Senate Committee on Agriculture and Forestry (hearings on S. 3390, pp. 84-85, on March 22, 1920) in the following language:

The question naturally arises, Why does not private industry undertake the operation of these plants? I shall not attempt to give what is in the minds of those who are most interested in the production of nitrates in this country. All I can state is that months of time were expended attempting to get the fertilizer industry interested in taking over and operating the Government plants. The presidents of all the large fertilizer companies in the United States were seen and the matter fully discussed with them, and they were asked if they would undertake the operation of these plants if they were to pay no rental to the Government until they had received 9 per cent on their working capital, and after that the profit should be divided between them and the Government. A part of the agreement was that the United States would complete the plants so as to provide storage and bagging facilities, a sulphate of ammonia plant, and all the work outlined in Mr. Glasgow's letter of October 22. But they could not be brought to the point of making a formal offer. An effort was also made to get certain financiers in New York to undertake to form a company to operate these plants. Scant consideration was given to the scheme and no investigation undertaken. An appeal was likewise made to the coke-oven interest, with the same result. There seems to be a decided antipathy of capital to engage in any partnership arrangement with the Government.

The very fact that no proposals have been forthcoming is in itself conclusive evidence to my mind as to what American business thinks about these plants. They very well know that Muscle Shoals is not an opportunity to collect great profits with an insignificant investment, but it is an opportunity to invest great sums of money in a partially developed art, promising enough, perhaps, in its future possibilities, but requiring the investment of millions upon millions of dollars, with no assurance whatever that this investment will earn any return of interest or principal.

It is true that these properties cost \$87,000,000, built, as they were, in a time of war, when the United States was getting perhaps 30 cents' worth of labor and material for every dollar it invested. It is only to be expected that the total cost of these great plants was an amazing sum of money; but the mere fact that this is true does not argue that these plants have any such value at the present time or that Mr. Ford under the circumstances should have offered more for them than he did.

## NITROGEN FIXATION A RAPIDLY DEVELOPING ART.

Mr. President, the fixation of nitrogen is in its merest infancy. It is an art which in commercial form has sprung up within the last 15 years, and no one can study the progress of commercial chemistry without being impressed with the fact that the first years of any industrial process are years of change and of rapid obsolescence on the part of any existing scheme of operation.

## HISTORY OF NITRATE PLANT NO. 1.

Nitrate plant No. 1 was not modeled after any commercial plant; there was no commercial plant in operation which was available to the War Department as a guide in designing this plant. The facts are that on March 9, 1917, the Secretary of War appointed the so-called nitrate supply committee, and this committee adopted the recommendations of Dr. Charles L. Parsons, who at that time was chief chemist of the Bureau of Mines. Doctor Parsons submitted a report on April 30, 1917, in which he called attention to a process developed by the General Chemical Co. to produce ammonia by direct combination of nitrogen and hydrogen at somewhat lower pressures than those which previously had been considered necessary under the patents of this process which had been granted to a Dr. Fritz Haber in Germany.

The General Chemical Co. did not have all the secrets of the German Haber process, but they had been carrying on some

experiments on something more than a laboratory scale, and Doctor Parsons, after visiting their experimental plant and studying their plans for a modification of this German Haber process which the company was expecting to build at Shady-side, N. Y., advocated very strongly the acceptance of a tentative proposal which, it appears, the General Chemical Co. had made on their own account, granting to the Government of the United States the use of its process and designs or apparatus for the manufacture of ammonia by this method, and asking a royalty of \$5 per ton of fixed nitrogen if the process should be used for the manufacture of fertilizer products.

## NITRATE DIVISION HAD LITTLE TIME TO INVESTIGATE PROCESS.

The nitrate supply committee seems to have accepted fully Doctor Parsons' recommendations, and in turn recommended them to the President. Thereupon, on July 21, 1917, a separate division of the Ordnance Department, known as the Nitrate Division, was formed. This division, which was created to have charge of nitrogen fixation problems, had as its first duty the execution of the recommendations of the nitrate supply committee. By way of explanation, the official report of the Nitrate Division states that—

plans for the location and construction of the synthetic ammonia plant naturally absorbed the energies of the new division for the first few weeks and left little time for investigating the process. This, however, had already been favorably reported upon by the nitrate supply committee, and orders for the construction of the plant were mandatory, so that every effort was bent toward carrying out the program, with the assumption that expectations with regard to the processes would be fulfilled.

## A THIRTEEN-MILLION-DOLLAR ASSUMPTION.

It is therefore evident that nitrate plant No. 1, costing more than \$13,000,000, was built upon an assumption. Instead of waiting until the process had been demonstrated upon a commercial scale in a pilot plant of some kind, the Nitrate Division proceeded to build a plant with an estimated capacity of 22,000 tons of ammonium nitrate per annum, and constructed the special equipment, housed in special buildings in an entirely permanent way, as though they were dealing with a well-established and unquestioned matter of industrial chemistry, the performance of which was a matter of mere routine. They laid out and constructed this permanent plant, with permanent houses for employees, all based on the assumption that the process would work.

## THE FIXATION PROCESS WAS NOT A SUCCESS.

Unfortunately, Mr. President, the process did not work. Testifying before the House Committee on Military Affairs, Maj. J. H. Burns, former chief of the Nitrate Division, stated on February 13, 1922:

The plant was not only to fix nitrogen and form ammonia but also to change the fixed nitrogen or ammonia into nitric acid, and finally to form ammonium nitrate or the explosive. \* \* \* The fixation process, however, was not a success. (Hearings, p. 208.)

And on May 19, 1922, Major Burns testified before the Senate Committee on Agriculture:

If you put in the Haber electrolytic process at No. 1, you would have to scrap everything you have at No. 1. Nothing there would be of any great value. I imagine putting in a 30-ton unit would cost in the neighborhood of \$4,000,000 or \$5,000,000. (Hearings, p. 694.)

The efficient report of the Nitrate Division on the Fixation and Utilization of Atmospheric Nitrogen explains (p. 202) that the Sheffield plant was not a success, and that this was partly due to insufficient technical information in connection with the various physical-chemical steps which go to make up the process. The report describes the difficulties which were experienced (p. 272); changes were found necessary at every stage of the attempted operations.

## "FIXING" ATMOSPHERIC NITROGEN TO FORM AMMONIA.

Ammonia, it should be understood, is formed by the welding together of hydrogen and nitrogen in gaseous form. Under this process this is accomplished at very high pressure, about 1,450 pounds per square inch, or about seven times the pressure of an ordinary steam boiler, and a very high temperature. Moreover, the gases must be very pure. Pure nitrogen is not a difficult thing to secure, as this can be had by liquefying air by well-known processes and distilling off the nitrogen from the liquid product.

To secure hydrogen two general methods have been employed. One is to secure it by passing steam over incandescent coke. This forms what is known as water gas, which contains a large proportion of hydrogen. This water gas is then brought in contact with steam in the presence of what is known as a catalyst. A catalyst is a peculiar substance which although it does not enter into a chemical reaction will cause that reaction to take place merely by its presence.

When this water gas and steam are brought together in the presence of this catalyst, which in this case is iron oxide con-



taining cerium oxide and chromium oxide, the steam is broken down and free hydrogen is released. After the removal of the excess steam a resulting product has been obtained running as high as 98 per cent pure hydrogen.

#### THE IMPORTANCE OF PURE HYDROGEN.

Another curious feature, however, is the fact that certain impurities which are present in water gas have a poisoning or destructive effect upon the action of the catalyst, so that it is necessary to remove these impurities as completely as possible.

The net result is that in the Haber-Bosche process, which was the process employed at Sheffield and in which the hydrogen was secured from water gas, about 20 per cent of the total cost of the process is for the production of the water gas and about 50 per cent of the cost is for the purification of this gas, so that about 70 per cent of the cost of the ammonia represents nothing but the cost of securing pure hydrogen (p. 246).

It is very evident, then, that the Haber process is an economical process if a supply of by-product hydrogen at low cost or at no cost at all is available, and the information which I get from most excellent authority is that the reason the German plants using this process have been able to supply cheap fertilizers to the farmer is that they have been operated in connection with a supply of hydrogen obtained in large quantities as a by-product in the manufacture of caustic soda. This has also been pointed out as a reason for the establishment of the modified Haber process on a small scale at the soda plant of the Solvay Process Co., at Syracuse, N. Y.

Needless to say, there are no caustic-soda plants at Muscle Shoals and no supply of by-product hydrogen. There is, however, another plan that might be utilized for producing pure hydrogen. This has never been worked out on the large scale that would be required at Muscle Shoals, but in view of the investigations that have been made it seems probable that this method might be used successfully.

#### ELECTROLYTIC HYDROGEN.

This is simply the decomposition of pure water by electrolysis in an electrolytic cell and utilizing secondary or off-peak electrical power for the purpose. The hydrogen obtained by such a method would be very pure and there would be produced at the same time an enormous supply of by-product oxygen, which is of great value in securing high temperatures for metallurgical purposes, for destroying bacteria, for medicinal purposes, and for use in the oxyacetylene torch or blowpipe for cutting steel.

There is also a possibility of producing cheaply such a product as sodium peroxide, which would serve as a convenient means of distributing oxygen gas without the use of the heavy steel cylinders in which the liquified gas is now shipped under heavy pressure.

Commenting on these possibilities, Prof. Hugh S. Taylor, of Princeton University, in a recent article in Chemical and Metallurgical Engineering, points out that the production of nitrogen and hydrogen for synthetic ammonia represents at least 75 per cent of the cost of its production, and he predicts the use of electrolytic hydrogen where very cheap power—that is, power which could be sold as low as 1 mill per kilowatt hour, and probably not to exceed 2½ mills per kilowatt hour—is available. In closing his paper, Professor Taylor states:

Initiation of electrolytic manufacture of hydrogen for ammonia synthesis will constitute a bold experiment. If successful, it will lead to industrial development far outside the range of ammonia synthesis alone, by reason of the simultaneous oxygen production, uses for which would inevitably be sought. (Chemical and Metallurgical Engineering, December 27, 1922.)

#### DEVELOPMENT OF NITROGEN FIXATION A "BOLD EXPERIMENT."

Mr. President, I want to say that I agree with Professor Taylor; the development of synthetic ammonia and the fixation of nitrogen at Muscle Shoals does constitute a bold experiment; and when we have an offer from a responsible party, who agrees to enter this field of costly experimentation and produce 40,000 tons of fixed nitrogen annually at his own expense, taking all of these risks in this partially developed technical operation, I say we should let him do it.

There is another feature of this Haber process at nitrate plant No. 1, which this Senate will do well to keep in mind. I have no desire to take the position of an alarmist or to magnify dangers that in reality are insignificant, but you will notice that in Mr. Ford's offer he has not agreed to use the Haber-Bosche process nor the Haber electrolytic process nor the cyanamide process nor any other particular process for the production of this large tonnage of nitrogen—nitrogen enough to supply this element in 2,000,000 tons of 2-8-2 commercial fer-

tilizer—and while I can not claim to be familiar in detail with Mr. Ford's plans, I do not believe that he contemplates using the Haber process. One reason for this, I feel sure, is to be found in the history of the development of this process itself.

#### HISTORY OF EXPLOSIONS IN THE HABER PLANTS.

The world has not forgotten the terrific explosion that occurred about 7.30 on the morning of September 22, 1921, at the Haber process plant of the Badische Anilin und Soda Fabrik at Oppau, in Germany. It has been claimed that this explosion was due to the blasting of a stored supply of a new nitrate fertilizer compound which was not believed to be explosive. The account of the explosion from the Philadelphia Ledger of September 22, 1921, is as follows:

[From the Philadelphia Ledger, September 22, 1921.]

MORE THAN 1,000 KILLED IN EXPLOSION ON RHINE; SUSPECT BOLSHEVISTS—GREAT CHEMICAL PLANT NEAR LUDWIGSHAFEN AND TOWN OF OPPAU DESTROYED—TELEPHONE WIRES CUT AT TIME OF CATASTROPHE—PASSENGERS IN FIELDS KILLED.

(Special cable dispatch. Copyright, 1921, by Public Ledger Co.)

BERLIN, September 21.—More than 1,000 lives were lost and property valued at 2,000,000,000 marks was destroyed in a few minutes this morning, when the famous Oppau ammonia works of the Badische Anilin-Fabrik Co., near Ludwigshafen, were wrecked by an explosion.

It is the worst catastrophe of the kind that has ever occurred in Germany, and there are well-founded suspicions that the Bolsheviks are responsible.

As far south as Heidelberg and farther north than Frankfort on the Main and up and down the broad Rhine Valley the tremendous shock following the explosion made people think an earthquake was taking place, and they ran from their houses, which showered glass splinters from broken windows upon them.

The scene of the disaster itself was one impenetrable mass of black smoke, which rested immovable from 7.30 o'clock in the morning until late this afternoon upon the ruins and extended on all sides, crawling even across the Rhine and south to the sister works about a mile distant. The Badische anilin factory at Ludwigshafen itself, the greatest of its kind in the world, though it was not the scene of any explosion, suffered greatly from the shock.

#### POISON VAPOR HALTS RESCUERS.

The first explosion at Oppau, according to an engineer employed at the factory, was that of a gas compressor, and a few seconds later it was followed by another and even stronger one, and for a short time there was ceaseless thunder caused from many explosions following in quick succession among the masses of ammonia in progress of manufacture, causing thick clouds of poisonous vapor, which stuck close to the ruins and would not permit the rapidly arriving firemen and ambulances to approach near enough, though they could hear the stifled cries of choking victims.

Not only the Oppau factory but also the village of Oppau was completely destroyed by the blast. Many children, not having risen so early, were killed or more or less wounded in their beds. In Mannheim, Ludwigshafen, Frankenthal, and all of this thickly populated industrial district much damage was done, and many people miles away were hurt by flying debris.

Here, too, at first the people believed there had been an earthquake, and the streets were crowded with half-clothed persons, some carrying satchels, boxes, even loose garments and other articles in their hands and rushing toward the open country. And still the explosions continued and the vapor from across the Rhine crawled nearer and nearer.

#### HUNDREDS OF DEAD BODIES.

Meanwhile some of the laborers at the Oppau works, almost stifled by the poisonous gases, had managed to escape the vaporous net and told confused stories of hundreds of dead bodies counted in their flight.

Firemen from Mannheim, having secured gas masks, now made a brave attempt to enter the black sea of smoke, but they never got far, their masks not availing them against that cloudy poison. However, some 20 victims were saved by their efforts. When later they arrived in the factory hospitals they found them already overcrowded by the wounded and dying taken from the ruins of the villages and factories that had been collapsing from the shock.

Toward noon it was estimated that of 900 persons employed in the Oppau works, at least 700 must have been buried in the ruins, and there seemed to be no chance of saving them. The greenish fire now began to flicker and dance on top of the poisonous fog and mocked all efforts of firemen from Frankfort, Mannheim, Ludwigshafen, and Karlsruhe, who had meanwhile arrived and vainly directed hundreds of streams of water at the vicious elements.

The ambulances, though they could only work at the fringe of the scene of the catastrophe and ruins near by, soon had all the hospitals full in the neighboring towns and cities, and the railway authorities arranged for hospital trains to carry away the victims that might yet be saved to Darmstadt and Frankfort.

#### SUSPICION POINTS TO BOLSHEVISTS.

As there was danger of still further explosions, the police drove back the immense masses of people that had gathered around the scene of the disaster. The French troops of occupation stationed in Ludwigshafen refusing assistance in maintaining order or saving victims, as—so explained a French officer—they had been commanded to stand ready for an alarm at the barracks, suspicion having arisen that the explosion was the work of Bolsheviks, who might use the general confusion for revolutionary purposes. This rumor seemed to receive some confirmation from the fact that telephone and telegraph connections had been destroyed on many lines leading to or past Ludwigshafen in places where the shock could not have had any such effect.

Toward afternoon many dead and dying had been collected by daring firemen from the scene of the disaster, as a light wind had chased the vaporish mass from the Rhine. These victims, some awfully mutilated and all blackened by smoke, soon numbered several hundreds awaiting either ambulance or dead wagon; and whole families, made homeless and having lost everything by the catastrophe, camped beside the dead.

All peasants working in neighboring fields were killed by heavy iron girders weighing many tons being thrown about by the explosion like so many matches.



Three firemen succeeded in penetrating the center of the ruins, where they discovered a crater 315 feet in diameter and 100 feet deep caused by the original explosion. Here had been situated a basin containing 5,000 tons of a mixed mass of ammonia, sulphur, and saltpeter, which only a short while before the explosion had been carefully examined and—so the director of the Oppau works asserts—could not have exploded except without certain chemicals having been added by a criminal hand.

Later this afternoon, for the reason mentioned above, a French general appeared on the scene and French troops took over responsibility for maintaining order.

I would like to point out that in this cable dispatch, written at the time of the disaster, the following statement is made:

The first explosion at Oppau, according to an engineer employed at the factory, was that of a gas compressor, and a few seconds later it was followed by another and even stronger one, and for a short time there was ceaseless thunder caused from many explosions following in quick succession.

Whatever the cause may have been—and it will probably never be proved beyond a doubt just what did occur, for everyone in the neighborhood was killed, the loss of life amounting to some 1,500 people while 4,500 were injured—it has been pointed out by a former Army officer that this is not the first explosion which had occurred at that plant.

Mr. KING. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. LADD. Certainly.

Mr. KING. If the Senator has not stated in his address and will not state it later, for information I would like to ask if the view of the Senator is that there were some defects in the process or whether it was the Haber process that was responsible for the explosion, or, in the plenitude of his experience and wisdom as a chemist, what was the cause of it, in his judgment?

Mr. LADD. I think the inherent cause is the impossibility of producing machinery, compresses, of sufficient strength to withstand the pressure of 1,450 pounds per square inch, which is seven times that of the average boiler, together with a very high temperature. Until the Germans had developed a special steel, which is very thick, as I will point out later, they were unable to use the process. I think that is one of the dangers and difficulties of the Haber process.

Mr. KING. Does the Senator think it was nitrogen alone which exploded, or nitrogen in combination with other gases?

Mr. LADD. It was not nitrogen, but hydrogen, probably in combination with other gases generated in the course of the process.

Mr. KING. It was not a solid?

Mr. LADD. It was not a solid, although a large amount of solids did explode. I have asked that photographs be passed around the Senate in order that Senators may appreciate the magnitude of the explosion at Oppau, where a mass of this fertilizer material exploded and made a crater in the ground 315 feet in diameter and 100 feet deep. That only came after the other explosion and was not in reality the cause, as it is believed now, of the real explosion.

Mr. KING. Was the fertilizer at the time ready for use in its perfected condition?

Mr. LADD. Whether it was in its perfected condition I can not say, but it was being blasted out to be used for fertilizer purposes. Whether it was intended to treat it further I have no knowledge.

#### THE GREAT EXPLOSION NOT THE FIRST ONE AT OPPAU.

I would ask unanimous consent to insert in the RECORD at this point an article which appeared in the New York Times of September 23, 1921, describing the experience of Maj. Theodore Sill, who visited the Haber plant in 1919 and was told that in September 1917, while the war was in progress, there was an explosion of one of the high-pressure gas containers or "bombs," as they were called, an explosion in which about 100 people lost their lives. The concussion from this explosion was said to have been so great as to be fatal to workmen crossing a bridge half a mile from the scene of the accident.

The VICE PRESIDENT. Without objection, it is so ordered. The article referred to is as follows:

[From the New York Times, Friday, September 23, 1921.]

GERMANS FEARED PROCESS—CALLED TANKS "BOMBS," ACCORDING TO AMERICAN WHO INSPECTED PLANT.

The explosion in the Oppau plant of the Badische Anilin Co. was not the first since the factories were completed. An account of others was given yesterday by Maj. Theodore W. Sill, of the Warner-Kilpstein Chemical Co., 52 Vanderbilt Avenue, who was a member of the Inter-Allied Mission appointed to study the German chemical industry.

Major Sill visited the plants of the Badische Co. in February and March, 1919. He said that the Germans in charge of the plant told of several explosions at Oppau in the war. One of the compression tanks blew up in September, 1917, causing a loss of about 100 lives.

So great was the danger of an explosion of any one of a dozen or more huge compression tanks into which nitrogen and hydrogen

were introduced under enormous pressure and extreme temperatures that the German experts took no chances while operating the large drums. In stations about 100 yards from these tanks they manipulated the mixing process in the compression tanks by levers and valves.

The compression tanks, according to Major Sill, were constructed of alloy steel plates 6 inches thick. These tanks or "bombs," as they were described by the Germans, were constructed by welding two sections. The inner diameter of the towering gun-shaped chambers was 30 inches, and the height was about 40 feet.

Inside this larger tube was a smaller tube of steel one-fourth of an inch thick. The Haber process was used for the introduction of hydrogen and nitrogen into these long "bombs," where the two gases were compressed in the presence of a catalyzer. By this process nitrogen was taken out of the air and converted into ammonia, nitric acid, nitrates, fertilizers, and ammonium sulphates.

Until the Germans solved the problem during the war no steel had been manufactured strong enough to withstand the force of hydrogen gas under pressure. According to Major Sill, a special kind of steel at the Krupp works was used successfully in the nitrate works.

This steel was tested to withstand the pressure of more than 2,000 pounds a square inch when the hydrogen and nitrogen gases were compressed under a temperature running from 500 to 600 degrees. Sometimes the tanks burst, and the effects were first fully understood in the explosion of 1917, when workmen crossing a bridge a half mile away were killed by concussion.

The plant at Oppau was started in 1913 with a government subsidy, and in February, 1917, was producing 100,000 tons of nitric acid a year. According to information given to the Allied Mission by Doctor Gause, director of the Badische Co., it cost \$25,000,000, of which \$1,000,000 was spent on the laboratory. The entire plant would cover roughly between 200 and 250 acres.

The nitrate plant was laid out on a rectilinear plan, and the buildings were constructed of brick. These structures, of which there were approximately 100 at the Oppau plant, were two stories high at the eaves, and another story higher in the center, the central portion being about 100 feet long and 50 feet wide.

Major Sill believes that it will take the Germans at least a year and a half to rebuild this plant if the first reports of the explosion are correct. Meantime, he said, the dye works of the Badische Co., which depended on the nitrate plant for fundamental chemicals, would be compelled to curtail their output unless they succeeded in procuring chemicals from the other two nitrate plants in Germany.

#### EXPLOSION AT THE SYRACUSE PLANT.

Mr. LADD. I also wish to put in the RECORD the following extract from Chemical and Metallurgical Engineering, of June 14, 1922:

[From the Chemical and Metallurgical Engineering, June 14, 1922.]

EXPLOSION IN SYNTHETIC AMMONIA PLANT OF ATMOSPHERIC NITROGEN CORPORATION.

Four persons were injured in an explosion on June 11 at the new Haber process plant of the Atmospheric Nitrogen Corporation, at Solvay, just west of Syracuse, N. Y. Officials of the Allied Dye & Chemical Corporation, of which the Atmospheric Nitrogen Corporation is a subsidiary, were not able to explain the cause of the accident or to estimate the damage. It was stated, however, that operation will be normal within a few days. The damage was confined to the interior of the process building, the walls remaining intact.

Evidently the plant that has been pointed out as a successful example of Haber process operation in this country is not without its record of explosions.

#### ACCIDENTS AT NITRATE PLANT NO. 1.

Even nitrate plant No. 1 had its accidents, for in the report of the operations (No. 2041 Nitrate Div.) I find the following:

Great difficulties also were experienced with the ammonia synthesis and liquefaction systems. The ammonia catalyst is contained in a steel bomb about 48 inches internal diameter and 15 feet 2 inches long, with screwed heads, top and bottom. The main difficulty was the inability to keep this bomb tight, in view of the pressure of 1,450 pounds per square inch which had to be maintained. The catalyst operated at 500° C., which temperature is maintained by heat interchangers and a gas heater, which supplied additional heat at the entrance to the bomb. The tubes in the heater burned out frequently, permitting the escape of gas, which often caused the process to be shut down. The escaping hydrogen often ignited, but fortunately there was no loss of life in any of these accidents (p. 272).

Mr. President, experience in industrial chemistry has shown that accidents are apt to occur under those conditions of strenuous operation which accompany a state of war. For my part I should hate to see the United States dependent for its nitrogen upon a process so dangerous that a slip on the part of an operative, the forgetfulness of some one who fails to turn a valve at the right time, results in a catastrophe that, with great loss of life, wipes out an essential military operation. For my part, Mr. President, as a chemist I warn this Senate against depending upon such a process, for I do not believe that it is necessary.

#### VIOLENCE OF THE OPPAU EXPLOSION.

I have before me a photograph of what was left of the portion of the Haber process plant which exploded at Oppau. The principal feature to be seen in the foreground is a great hole, said to have been 315 feet across and 100 feet deep. Not even the "Big Bertha" which was a crowning achievement of German military effort could have caused this yawning crater. Only a volcano could be compared with the Oppau explosion.

I maintain, Mr. President, that the science of nitrogen fixation has progressed far enough so that it is not necessary to erect a volcano in a civilized community to supply this country with nitrogen for its military explosives.



TABLE VI.—Cotton—Continued.

## IMPORTS.

[The great customers who use the bulk of the world's exportable surplus of cotton (stated in thousands of bales of 500 pounds gross weight).]

Year (average).	1	2	3	4	5	6	7	8	9	10	11	12	13
	Canada.	Belgium.	France.	Germany.	Italy.	Japan.	Netherlands.	Spain.	Sweden.	Switzerland.	Great Britain.	Russia.	Austria-Hungary.
1909-1913.....	137	406	1,435	2,258	896	1,405	277	382	93	113	4,164	886	906
1914.....	152	None.	949	None.	879	1,705	245	889	107	101	3,447	801	None.
1915.....	197	None.	1,052	None.	1,344	2,015	365	600	558	147	4,820	641	None.
1916.....	205	None.	1,178	None.	1,170	2,299	177	471	130	123	4,045	57	None.
1917.....	178	None.	1,290	None.	828	1,947	46	447	32	94	3,163	None.	None.
1918.....	226	None.	636	None.	601	1,886	1	277	33	38	3,114	None.	None.
1919.....	179	289	1,007	None.	826	2,190	114	341	80	115	3,816	None.	None.
1920.....	241	508	1,033	691	825	2,176	124	375	113	97	3,457	375	None.

TABLE VII.—International trade balance sheet between Europe-Canada and United States of America. Item I: United States bill to Europe and Canada; Item II: Part paid. Item III: Balance due and unpaid for eight years, January, 1915, to January, 1923, inclusive.

	Europe-Canada eight-year bill.	Debit.	Credit.
<i>Item I. United States bill to Europe and Canada for eight years.</i>			
Invisible debits:			
1. Agricultural products sold and exported to Europe.....	\$20,430,625,433		
Manufactured products, raw materials, and all other merchandise, sold and exported to Europe.....	7,945,233,225		
Merchandise and agricultural products (total exports) sold and exported to Canada.....	5,038,146,108		
Army and Navy supplies, sold by liquidation commissions in Europe after the war to Nov. 15, 1922.....	574,876,884		
Supplies and merchandise, mostly agricultural products, sold and exported by American Relief, \$84,093,963, plus United States Grain Corporation, \$36,858,802.....	140,952,766		
2. Interest accrued to United States Government on loans to European Governments of \$10,129,140,820, to Nov. 15, 1922.....	2,115,471,845		
Interest accrued to American investors on European loans at average rate of 6 per cent and average \$2,881,501,000, less refund of \$648,246,316, to January, 1923.....	584,097,106		
Interest accrued to American exporters and bankers on an average (from Jan. 1, 1915, to Jan. 1, 1923) of \$2,500,000,000 current open credits.....	819,000,000		
Interest accrued to American investors on Canadian loans, rate 6 per cent (on \$156,819,683, Jan. 1, 1915, plus \$1,455,778,114, loaned since), on a total of \$1,612,597,797.....	372,571,523		
3. Discount at an average 4 per cent paid by Europeans in United States on sale of \$2,881,501,000. European securities sold to American investors.....	115,000,000		
Discount at an average 5 per cent on resale of American securities sold by European owners to American investors on \$2,500,000,000.....	125,000,000		
4. War service of transportation and other items furnished allies in United States out of \$10,000,000,000 loan in addition to items in sub 1, item 1.....	1,246,780,348		
5. War liquidation items, incurred in United States on cancellation of allied war contracts and expenses of allied commissions in United States.....	100,000,000		
6. Insurance, shipping, repairs, supplies in United States ports, tourists, \$75,000,000 per year (war transportation shipping in sub 1, item 1).....	600,000,000		
7. European agreement to repay occupational services furnished by War Department to United States on Rhine.....	255,862,608		
8. European loans placed in United States taken up and paid off by Europe.....	650,500,000		
		\$41,214,117,346	
<i>Item II. Payments made.</i>			
Invisible credits:			
1. All merchandise purchased and imported from Europe to Jan. 1, 1923.....	5,846,968,461		
All merchandise purchased and imported from Canada to Sept. 20, 1922.....	2,972,276,711		
2. Gold and silver net balance delivered to United States by Europe.....	771,715,000		
Gold and silver net balance delivered by Canada—largely French and Italian gold deposited with Great Britain sent via Canada.....	1,418,392,000		
Gold and credits delivered to United States Treasury by British Government from India.....	81,000,000		
3. American securities purchased from European holders by American investors.....	2,500,000,000		
European securities, public and private, purchased by American investors (\$2,881,506,000, less \$648,246,316 refunded through \$10,000,000,000 loan by British).....	2,232,259,684		
Francs, marks, lire, pounds sterling purchased and held by American investors.....	1,000,000,000		
Canadian securities, public and private, purchased by American investors.....	1,455,780,000		
4. War merchandise and service by United States Government purchased in Europe for war, Navy aircraft, and United States Government needs to end armistice period paid in cash.....	2,509,442,889		
War merchandise and service by United States Government for same purposes as sub. 4, item II, paid by United States from francs, lire, and pounds sterling furnished by allied Governments.....	1,490,557,111		
War merchandise and service by United States Government for same purposes from armistice period to present for occupational expenses on the Rhine.....	255,862,608		
5. Interest accrued to European investor and holder of American securities on an average rate of 5 1/2 per cent on \$2,500,000,000.....	1,526,322,688		
6. Remittances by European immigrants in America to Europe, 1915, 1916, 1917, and 1918, at \$175,000,000 per year; 1920, 1921, and 1922, at \$300,000,000 per year—all Europe.....	1,600,000,000		
7. Tourist and shipping, repairs for years 1919, \$100,000,000; 1920, \$150,000,000; 1921, \$175,000,000; 1922, \$200,000,000.....	625,000,000		
8. American investments in Canadian and European properties and agencies (motors, tires, farm implements, oil, packing, etc.).....	50,000,000		
9. Current revolving credit advances to European and Canadian merchants by American bankers and exporters for United States exports and imports.....	2,000,000,000		
Unsettled trade balance of Europe and Canada in favor of United States.....			\$28,835,557,132
Total United States bill to Europe and Canada for eight years.....		\$41,214,117,346	\$41,214,117,346
<i>Item III. Balance due and unpaid.</i>			
1. European allied Government notes received by United States Government for allied loans under Liberty loan act—unpaid balance to Nov. 15, 1922.....	9,386,422,558		
2. European Government notes received by United States Government for War-Navy supplies sold since war, \$374,876,884; sales American Relief, \$84,093,963; and sales U. S. G. Co., \$36,858,802, plus \$255,862,608, United States Rhine cost.....	871,602,237		
3. Interest accrued and unpaid on sub. 1-2, item III, by European countries to United States Government balance to Nov. 15, 1922.....	1,554,783,389		
4. Total obligations of European Governments to United States Government.....	11,812,808,204		

Farm industry's interest in the above—international transactions covering eight years:

(a) The \$10,000,000,000 Allied loan by the United States was directly expended for agricultural products, \$7,889,001,697; for manufactured and raw materials, \$2,099,106,125; railroad freight, \$136,083,774.

(b) The \$871,692,257 liquidation sales—notes, United States Grain Corporation and American Relief—at least 80 per cent thereof, or \$697,353,705, was for agricultural products.

(c) Of the total exported merchandise to Europe and Canada (excluding supplies to Army and Navy in Europe), \$26,184,701,270 was agricultural products.



American banking and investment houses' interest in the above—international transactions covering eight critical years:

- (a) The financing and sale of all securities purchased and sold in American markets.
- (b) All credit arrangements and settlements on total exports and imports.
- (c) Total shipments of all gold and silver imported and exported.
- (d) Collections and payments of all interest and discount, together with the handling of invisible credits and debits of immigrant remittances, tourists, shipping, and insurance.

(e) Investigating, reporting, and passing, as well as establishing European customers' credits for merchandise exported, for which they have established in European countries large American branches.

(f) The American seaboard banks and American investment houses from New York to San Francisco handled \$56,000,000,000 for our foreign trade during those eight critical years while the great American interior banks financed in addition the money for the planting and sale of the farm products during the same period.

TABLE VIII.—Looking backward from January 1, 1914, to January 1, 1900—Fourteen years pre-war peace period—International trade balance sheet between United States and all Europe, years 1900 to 1914, inclusive—Peace time pre-war trade sheet with Europe.

Fiscal years.	United States bill of items to Europe.					Europe's payment on bill.							
	Fiscal year exports.	Fiscal year imports.	Fiscal year net excess of United States exports and imports.	Fiscal year net excess gold and silver to Europe.	To Europe United States securities sold as merchandise.	United States total bill to Europe. <sup>1</sup>	Total Europe payments. <sup>1</sup>	Interest 5½ per cent paid to Europe on United States securities purchased.	Interest 6 per cent paid to Europe on \$1,500,000,000 on our world's trade.	Net excess of European ocean drayage for United States.	United States tourists' money in Europe.	Immigrant remittance to Europe.	Net excess gold and silver to United States.
1900.....	\$1,040,167,763	\$440,567,314	\$599,600,449	\$75,313,684	\$70,000,000	\$744,914,133	\$737,600,000	\$227,600,000	\$90,000,000	\$50,000,000	\$170,000,000	\$200,000,000	.....
1901.....	1,136,504,605	429,620,452	706,884,153	92,246,955	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1902.....	1,008,033,981	475,161,941	532,872,040	75,424,417	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1903.....	1,029,256,651	547,226,887	482,029,770	48,717,734	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1904.....	1,057,930,131	498,697,379	559,232,752	79,610,721	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1905.....	1,020,972,641	540,773,092	480,199,549	1,563,792	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1906.....	1,200,166,036	633,292,184	566,873,852	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	\$785,818
1907.....	1,298,432,390	747,291,253	551,161,127	.....	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	44,425,633
1908.....	1,283,600,153	608,014,147	675,586,008	2,134,700	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1909.....	1,146,755,321	654,322,918	492,432,403	82,331,925	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1910.....	1,194,062,988	790,134,594	403,928,399	71,877,002	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1911.....	1,293,072,862	770,233,236	522,779,626	34,525,802	.....	.....	.....	.....	.....	.....	170,000,000	200,000,000	.....
1912.....	1,467,451,834	900,003,944	567,447,890	64,138,330	150,000,000	781,586,220	776,750,000	26,675,000	90,000,000	50,000,000	170,000,000	200,000,000	.....
1913.....	1,499,573,363	864,666,103	634,907,260	.....	150,000,000	784,907,260	793,360,330	275,000,000	90,000,000	50,000,000	170,000,000	200,000,000	8,360,330

<sup>1</sup> 1922 exports and imports used as basis for 1923.

Looking backward: To the close of this normal 14-year period Europe's credit position, as a result of an almost uninterrupted half a century of peaceful commercial civilization, was as follows:

(a) Europe, with the rest of the world, was enjoying the benefits of international trade, which was at its highest point, with 45,000,000 tons of shipping facilities sufficient to adequately handle the world's commerce.

(b) In the world's commerce Europe was the great financial center, supplying the new money for United States, Russia, Japan, China, India, South America, Africa, Australia, Canada, and the Balkan States—in a word, to the world.

(c) The investors of Great Britain alone owned and controlled \$250,000,000 of the \$300,000,000 of the annual gold supply of the world.

(d) The investors of Great Britain alone had invested capital in the countries of the world of \$18,000,000,000.

(e) Europe had purchased and held American securities to the extent of \$5,000,000,000.

(f) Great Britain had invested in the financing of our foreign trade an additional \$1,500,000,000.

(g) Europe was collecting annually from the United States an interest charge at 5½ per cent on \$5,000,000,000 and 6 per cent on an additional \$1,500,000,000 invested in our foreign trade—a total annual interest of \$365,000,000.

(h) Europe was doing our annual ocean drayage in excess of \$50,000,000 over that carried in American bottoms.

(i) Europe was loaning to the United States new capital at the rate of \$100,000,000 a year.

(j) All of the European nations had a small national debt, the interest on which was easily met by small annual tax of \$1,600,000,000 for interest on their national debts.

(k) The franc, lira, crown, ruble, and pound sterling were sound and approximately at par the world over, with all the European nations solvent.

(l) European merchants were well known and financially strong, with unquestioned credit the world over.

These were the financially strong and the good customers for the exportable surplus of the American farm, factory, and mine.

Let us now look at Europe—our same good customers—as of January 1, 1923, after the destructive calamity of a world-destroying war. Looking forward—from January 1, 1923, to the years to come—10, 20, 30, 40 years:

(a) The United States has become the financial center and great creditor nation of the world, with \$250,000,000,000 of national wealth and a comparatively small national debt—to-day the only world market for substantial amounts of new capital.

(b) The lines of the world's international commerce broken down and largely destroyed, except for taking care of only the almost actual necessities of life for many of the countries of the world—their buying reduced to the lowest possible minimum.

(c) The world's shipping facilities greatly overbuilt, with 54,000,000 dead-weight tons of steel cargo shipping, in desperate competition, to carry the "world's commerce," which does not require to-day more than 35,000,000 dead-weight tons of shipping.

(d) With a total of \$28,000,000,000 paid on our \$40,000,000,000 of trade balance, there is hanging over and menacing our foreign trade relations with Europe a \$12,878,560,194 unsettled trade balance in favor of the United States.

1. This terrific unsettled trade balance exists, too, even after Europe has exhausted almost all of her available resources to settle it. Great Britain, realizing the effect of this unsettled trade balance and

its menace to world conditions, endeavors in a statesmanlike manner to promptly accept our terms and thus reduce her portion of that trade balance by approximately \$5,000,000,000.

2. Hanging over the European nations to-day are great unfunded external debts, owed principally to the United States and Great Britain, of \$11,812,898,204 to the United States alone, with an annual interest charge of \$354,000,000, menacing and destroying the reasoning powers of the afflicted nations of Europe, which must be met by taxes upon her people.

(e) To meet forty billions of trade balance in favor of the United States during the last eight critical years, of which trade \$26,000,000,000 was for agricultural products, our great customers in Europe have since 1914—

1. Returned to the United States two and one-half billion dollars' worth of American securities, and the United States, through the Allen Property Custodian, has impounded \$400,000,000 worth of German securities.

2. Sent to us a \$2,271,107,000 net balance of gold and silver, mostly Russian, Austrian, German, Italian, and French, together with new world production, which the United States holds, and as a result these nations are off a good basis.

3. Borrowed new money in the American investment markets of \$2,232,259,684.

4. Canada has borrowed in the American investment markets \$1,455,780,000. Europe in pre-war days furnished Canada all her new capital; and

5. The United States has taken over from Europe the financing of her own world trade and has invested in it about \$2,000,000,000 of American banking money.

(f) Europe is collecting interest to-day from us on \$1,500,000,000 of American securities, as against \$5,000,000,000 held by her investors in 1914.

(g) The countries of Europe staggering under national external and internal debts, with interest charges from those debts equaling \$11,000,000,000 a year, as against \$1,500,000,000 of interest charges for 1913.

(h) While the dollar and pound sterling are practically at par, the lira is a little over one-fifth of par and the franc a little less than one-third of par, with the ruble, Austrian crown, and the German mark depreciated to practically nil.

(i) The credits of a large percentage of the merchants of Europe are weak and gradually shriveling up. Yet midst all the financial chaos that exists in Europe to-day, Great Britain, with \$15,000,000,000 of world securities still in the hands of her private investors, within the very heat of the firing line, stands cool and set at home like the sentinel "Rock of Gibraltar," while promptly honoring her obligations abroad. The world has confidence in her statesmanship because Great Britain always leans in her international affairs upon the tried and experienced men of her country, in her hours of success as well as in her hours of need. They know the present-day history of "world commerce" and they can read the future. What a lesson to this country—her debt-funding commission arrived home on Saturday, reported to the Government, and by the following Wednesday that nation had accepted and taken on its obligations of principal and interest to the United States Government, assuming for its people, already heavily taxed, a further tax burden of \$170,000,000 a year for 66 years.

(j) Great Britain, along with the neutral countries of Norway, Sweden, Denmark, Holland, Switzerland, Spain, and Portugal, are alone left with foreign financial credit and stability.



England, is carried on commercially. I have no positive information to that effect, but my impression is very strong that it is. As I said, there is no recovery of ammonia from producers in this country, as far as known to me, and I know many of the works where the big producer plants are.

I think Mr. Summers made a slight error in dates in regard to the introduction of the by-product oven in this country. It was started in Syracuse by the Sement-Solvay Co. in 1893. They were the only ones until the Glassport installation, and that was quickly followed by the Dunbar installation.

H. K. HITCHCOCK. There was a producer plant for recovery of ammonia erected in this country by the Columbia Chemical Co., Barberton, Ohio. Before it was decided to erect this plant Mr. Galt carefully investigated the operation of these same producers in England and found they were operated successfully there and giving very excellent commercial results. After these producers were erected here, however, the patentees were not able to operate them with the coal which was used at the Barberton plant, so as to get a commercially economical result. Theoretically the process should have been commercially successful. But while it was technically successful, it was never a practical success from an economic point of view.

In this connection there is another possibility for the by-product coke industry which might be interesting. Quite recently I have heard suggestions for utilizing the by-product coke oven to make coke and by-product gases; then pump the gases through existing natural-gas pipe lines, in order to deliver the fuel gas at the point of consumption and at the same time make the by-product coke at the mine where the coal is produced. An arrangement of this kind should be commercially available, and every time a supply of natural gas falls short and the demand for gas fuel becomes acute the problem bobs up. I have no doubt it will eventually be done to considerable extent in the Pittsburgh district and considerable ammonia recovered.

FRANCIS C. FRARY. In regard to the statement about by-product ammonia in Chicago and neighborhood, to my personal knowledge the Sement-Solvay Co. erected a plant there about nine years ago which has been continuously producing by-product ammonia ever since.

L. L. SUMMERS. I spoke extemporaneously. I will make one statement. In regard to the Mond process for washing gas, there have been a number of plants tried in this country, but the fundamental weakness is the fact that in washing a low-grade gas, primarily the producer gas is used for combustion purposes, and in gas running from 80 British thermal units to 140 British thermal units per cubic foot, which is the range of blast-furnace gas and producer gas, you sacrifice its physical temperature, so instead of having a temperature of 1,500°, 1,700°, or 1,800° F., which you might get direct from the producer (or, in the Mond process, 1,000° F., on account of the excessive steam used), you sacrifice the sensible heat, and you have reduced the calorific value of the fuel about 18 or 20 per cent. To show such a large volume of gas requires quite a large plant, and commercially you are on the wrong side of the books.

PRESIDENT LIDBURY. It is a fact, I might mention, that the plants in England are in connection with the engines used for combustion power purposes.

L. L. SUMMERS. The primary installation was laid down by Dr. Ludwig Mond many years ago in his own works at New Castle, and that is where the greatest development has taken place.

JOSEPH W. RICHARDS. The gas was made near the mines and piped to the point of consumption, and therefore the original heat of the gas, in that distribution system, would be lost anyhow.

LEO BAEKELAND. I know there are many important sources of ammonia which have up to this time practically remained untouched. In this country there are immense deposits of peat, which, in conjunction with the production of gas, would furnish an enormous supply of ammonia; peat has been utilized successfully for this purpose in some European countries where good coal is less abundant than in the United States.

J. E. JOHNSON, Jr. They tried it in Canada also.

PROGRESS IN NITROGEN FIXATION REQUIRES COSTLY EXPERIMENTING.

MR. LADD. Mr. Peacock has shown in a general outline certain reactions which he thinks should be utilized at such a location as Muscle Shoals. These reactions have been combined into a series of processes which has been the subject of most careful study and investigation. I do not know whether the application of these processes will result in the production of 5-cent ammonia or not, but as a chemist it does seem to me that this procedure is a start along the right road. These particular processes may or may not succeed, but sooner or later some development will be made which will succeed. How soon such a process is made commercial depends largely upon the amount of money which is available for the preliminary work.

In brief, then, the situation is just this: American capital has rightly appraised Muscle Shoals, not as an opportunity to make untold millions but as a half worked-out development on which many millions must be spent before the problem is solved. Neither the cyanamid process, with its complications and large expense, nor the Haber process, which offers little hope of ammonia for less than 10 cents a pound and which is accompanied by dangers unpleasant to contemplate, is likely to be the process desired. Neither of these processes represents the last word in nitrogen fixation. What the ultimate process will be only time can tell. One thing is certain, and that is that before the answer is reached and the problem solved somebody must spend a large sum of money.

The amendment proposed by the Senator from Nebraska is only the first step, the mere beginning on a long road of experimentation. If the first step costs \$2,000,000, I leave it to Senators to judge for themselves how expensive this undertaking ultimately will be. To deliberately engage in such an enterprise contrary to the recommendations of the Ordnance Department, and particularly in view of the fact that private capital has already offered to shoulder this responsibility, appears to me to be a policy which the taxpayers in this country will

never understand, and which we who authorize such a policy will never be able to explain.

It is unfortunate that the importance of the fixation of nitrogen is not better understood in the United States. The chemist well knows the facts, but he does not speak the language of the farmer, and when he undertakes to express his views he finds difficulty in making himself understood.

Nitrogen, Mr. President, is both bread and meat, although in the United States it is seldom thought of as an essential article of food. Germany understands how important it is. One of her four leading physicists and chemists is Dr. Nikodem Caro, inventor of the cyanamid process of nitrogen fixation and of a very successful process for generating hydrogen gas; during the war he was appointed minister of raw materials and was charged with the responsibility of providing German industries with raw materials for making munitions, equipment, and supplies. The New York Times of December 20, 1922, quotes Doctor Caro as saying that nitrogen is bread and that Germany would be ruined by the French demand for 60,000 tons of pure nitrogen, which he declares would result in a harvest decrease amounting to 1,500,000 tons of grain worth 200,000,000 gold marks.

I ask that the article be included without reading.

THE PRESIDING OFFICER [Mr. CURTIS in the chair]. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Times of December 20, 1922.]

SAYS NITROGEN EXPORT WOULD RUIN GERMANY—EXPERT OPPOSES FRENCH DEMAND FOR 60,000 TONS—COMPARES IT TO 1,500,000 TONS OF GRAIN.

BERLIN, December 20.—"Nitrogen is bread," asserts Dr. Nikodem Caro, well-known German agricultural expert, declaring that fulfillment of the French demand for the delivery of 60,000 tons of pure nitrogen would intensify Germany's food problem to the point of catastrophe.

The amount of nitrogen demanded by France, he adds, is equivalent to 300,000 tons of ammonium sulphide (sulphate) and its loss to German agriculture would result in a harvest decrease amounting to 1,500,000 tons of grain, or about 6,000,000 tons of vegetables. It would cost 200,000,000 gold marks to replace this grain, which sum he declares it impossible to obtain under present conditions.

Doctor Caro claims that through the partition of upper Silesia Germany lost one of her largest nitrogen plants to Poland, and was thus cut off from an annual supply of 30,000 tons. This meant a reduction of 750,000 tons in the grain yield yearly, which reverse could not be offset for at least two years.

Germany needs 340,000 tons of nitrogen for her own requirements annually, he says, disputing the charge recently made in the French press that Germany had a surplus and could meet the French demand if she desired.

MR. LADD. Mr. President, this appreciation in Germany of the direct relation between a plentiful supply of nitrogen and a plentiful supply of food for a nation is in striking contrast with the misunderstanding, inertia, and indifference with which this subject is treated in the United States. While it is true that Germany lost the war, she made a great accomplishment when at one blow she freed her food supply from dependence upon Chilean nitrogen and at the same time provided for her national defense for the future by making possible the production of powder and explosives in such formidable proportions that she was able to hold the whole world at bay for four years.

On the other hand, we have paid a nitrogen food bill to Chile, from 1831 to September 30, 1922, amounting to the amazing total of \$982,561,953.72, of which \$188,625,591.80 went to support the Chilean Government in the form of an export duty. More than 99 per cent of this amount has been paid for foreign food-producing nitrogen since the close of the Civil War. Our national nitrogen bill represents nearly one-third of the world's total purchases of Chilean nitrate.

MR. PRESIDENT. I know of no example in the history of civilization which is a parallel to the dependence of civilized nations upon Chilean nitrates—a dependence which has grown up during the past 50 years. Since January 1, 1865, careful estimates, based upon the cost of Chilean nitrate in North Atlantic ports, show that the world has paid about \$3,281,000,000 for this single element which is so necessary in food production.

And yet nature has provided an inexhaustible supply of this same nitrogen in our atmosphere. Over every acre of ground there are 33,800 tons of pure nitrogen awaiting only a commercially successful fixation process to make it available. Nature challenges us to take our nitrogen from this great reservoir, and Henry Ford offers to start an American nitrogen industry with a guaranteed production of 40,000 tons of fixed nitrogen annually.

The question may well be asked, if it is not to be the cyanamide process, and if the Haber process will not do, then how does Mr. Ford propose to produce this large tonnage of fixed nitrogen?

MR. PRESIDENT. science has scarcely scratched the surface in its investigations of the possibilities in this field. We have a nitrogen-fixation laboratory here in Washington; it has cost



us nearly a million dollars in the past three years, and while I have no doubt that its work has been handled by competent scientific men, there is a whole field of nitrogen fixation which they pass over with less than half a page in a report of 353 printed pages. This is the field of metallic nitride processes. While it is true, as they report, that none of these metallic nitride processes has achieved any degree of commercial success, I can not agree "that it does not appear that they have any immediate prospect of such development." To make such a statement as that is to wholly ignore the power situation at Muscle Shoals; and if I understand it correctly, the purpose of the Fixed Nitrogen Research Laboratory is to work out a satisfactory solution for the fixation of nitrogen at that location.

The enormous secondary or irregular power at very low cost makes it possible to make metallic sodium from ordinary salt by a simple process. This can be done by the use of calcium carbide under the well-known Freeman patent, in which commercial calcium carbide and dry sodium chloride are ground together and the mixture charged into an electric furnace and heated to a bright-red heat, about 1,400° centigrade. The result is the production of sodium carbide, which is broken down by heat and decomposed into metallic sodium and carbon. Since the carbide portion of nitrate plant No. 2 is probably the largest calcium carbide plant in the world and stands ready for immediate operation, it appears that the production of sodium from salt could be readily accomplished with cheap secondary power.

However, there are other processes for producing metallic sodium from salt which do not use carbide, and very promising results have been reported from experiments in smelting phosphate rock with salt by means of which are produced phosphoric acid, a very important part of complete fertilizer, hydrochloric acid, a valuable by-product which would reduce the cost of fertilizer, and sodium oxide which could be reduced to metallic sodium by the use of carbon and cheap secondary power. Once having a large supply of cheap metallic sodium available, Mr. President, this whole field of promising nitride methods for nitrogen fixation immediately becomes available. For example, boron trioxide, which is readily obtainable from a cheap material called "borax," is an excellent agent for nitrogen fixation, because a small amount of boron will unite with a large amount of nitrogen; and in a boron-nitride process nearly all of the boron trioxide would be recovered, so that no great tonnage of borax would be required as a raw material. When boron trioxide is heated in a closed furnace in the presence of metallic sodium and in an atmosphere of nitrogen, a heavy dark greenish gas<sup>1</sup> called "boron nitride" is formed, together with a by-product production of sodium oxide, which in turn becomes a source of new supplies of metallic sodium. The greenish gas is sprayed with steam or hot water and gives up its nitrogen in the form of ammonia, which is the same form in which nitrogen is obtained by either the cyanamide process or the Haber process. But in this nitride process there are no dangerous high pressures, and it is not even necessary to secure a supply of pure hydrogen, for that is obtained directly from the hot water.

There is, however, another process only recently developed and which is available to Mr. Ford which promises greater results than anything heretofore accomplished. I am not permitted to give the details of this process, Mr. President, because of the fact that to do so at this time might deprive Mr. Ford of its use, but I am free to say that it works at atmospheric pressure and at moderate temperature. It is true that this new process requires a supply of pure hydrogen, but as I have stated, Mr. President, where cheap secondary power can be used to produce electrolytic hydrogen the problem of a pure supply of this element is solved.

However, the availability of cheap sodium again comes into play, for, suppose that it is desired to produce hydrogen at a time when no secondary power is available. It is possible with plenty of cheap sodium to store hydrogen in a solid form just as it is possible to store acetylene gas in solid form for illuminating purposes.

It is well known, Mr. President, that to produce acetylene gas on short notice it is only necessary to place calcium carbide in a closed gas generator in which a small amount of water is allowed to drip upon it, and the gas is immediately generated. In the same way, during that portion of the year when a large amount of power is available, electrolytic hydrogen could be produced cheaply. If this hydrogen is passed over metallic sodium at the very moderate temperature of about 200° C., the hydrogen is chemically absorbed, in accordance with the following equation:  $4\text{Na} + \text{H}_2 = \text{Na}_4\text{H}_2$ .

In other words, 4 atoms of sodium unite with 2 atoms of hydrogen to make 1 molecule of sodium hydride. Sodium hydride, when allowed to cool and placed in water has a cu-

rious effect; not only does it give up the pure hydrogen which it has received from the electrolytic hydrogen generator, but it decomposes the water in which it is placed and releases a weight of hydrogen twice as great as the hydrogen which it carries, so that the total yield is three times the amount of hydrogen originally used to make the sodium hydride. This interesting reaction may be set down as follows:  $\text{Na}_4\text{H}_2 + 4\text{H}_2\text{O} = 4\text{NaOH} + 3\text{H}_2$ . (Teed, Chemistry and Manufacture of Hydrogen, p. 33.)

The commercial meaning of this, then, is that with cheap secondary power, both sodium and hydrogen can be produced at certain seasons of the year and carried in storage for several months, to be released when the water is low and the secondary power is no longer available.

#### EXPERIMENTING WILL BE COSTLY.

Mr. President, there are a score of other processes which I might describe, any one of which may be commercially useful at Muscle Shoals, but to determine which of them is the process which will yield 5-cent ammonia calls for costly experimenting on a large scale. Our own little experimental station out here at the American University, begun scarcely three years ago, has cost us nearly a million dollars and has done nothing, so far as I am aware, in this great and promising field. Mr. President, I am not able to estimate the cost of the large-scale experiments which will have to be made before this problem is solved, but it is a matter that will certainly run into many millions of dollars.

The latest news from France is an article in a fertilizer trade magazine called "Le Phosphate et Les Engrais Chimiques," and in the issue for November 1, 1922, we find an account of the production of pure hydrogen from water by means of metallic silicon or its alloys. This process has been developed by the German company, Elektrizitäts Gesellschaft vorm. Schuckert & Co. By this process hydrogen 99 per cent pure is obtained by using metallic silicon in a finely divided state, suspended in an aqueous solution of caustic soda. The Campagné Générale de Electrochimie de Bozel (General Electrochemical Co., of Bozel) produces hydrogen regularly by the following reaction:  $\text{Si} + 2\text{NaOH} + \text{H}_2\text{O} = \text{SiO}_2\text{Na}_2 + 2\text{H}_2$ .

For economy in the use of soda, a paste composed of silicon, lime, carbonate of soda, and water is used.

What happens is that the lime acts on the carbonate of soda to liberate the sodium which, with the silicon, reacts on the water, liberating the hydrogen. Ferrosilicon is frequently used as a cheap source of silicon, and a ferrosilicon paste is obtained which can be introduced without any danger into the hydrogen generator. The advantage of this manner of operation is to abolish the danger of explosion.

Is this one of the processes which should be used to secure hydrogen for the purpose of fixing nitrogen in the form of ammonia at Muscle Shoals? Frankly, gentlemen, I do not know. But I know that it is possible, with the large secondary power, to produce ferrosilicon economically there. But whether this recent German development is the most economical method for the production of pure hydrogen is a question which, like many others at Muscle Shoals, is still to be worked out.

Being familiar, as a chemist, with the difficulties, dangers, and the enormously heavy expense which must be faced in reaching a solution of the nitrogen fixation problems at Muscle Shoals, I want to say, Mr. President, that since we have a bona fide offer in which production is guaranteed and all of these difficulties, dangers, and heavy expense are avoided, I can not understand why this Government should embark on such an enterprise, for I believe that the solution of the difficulty lies in the immediate and unqualified acceptance of the offer of Henry Ford.

Finally, Mr. President, without criticism I wish to say in all frankness that failure to accept the Ford proposal will be ground for just criticism of our republican form of government and, to my mind, an indication of one of its dangers.

Speaking for myself, it is not hard to understand the fixation of the nitrogen of the physical atmosphere, but I am frank to say that it is beyond me to comprehend the fixation of our policies in the political atmosphere.

Mr. KING. Is there any provision in this bill which commits us to the Henry Ford proposition with respect to Muscle Shoals?

Mr. LADD. Not so far as I am aware; not at all. The Senator from Nebraska proposes to amend the bill by adding \$2,000,000 for further nitrogen studies in fixation at Muscle Shoals plant No. 1.

Mr. KING. Is that an amendment to be offered to this bill?

Mr. LADD. That is an amendment which has been proposed to be offered by the Senator from Nebraska and which has been printed.



Mr. KING. As I understand the Senator now occupying the floor, in his judgment that is not necessary?

Mr. LADD. I feel personally that it would be an unnecessary use of money. I do not believe the Haber process will be the one employed. I do not believe that nitrogen fixed in the form for fertilizer by this process can be produced at a low enough cost to be commercially feasible, and that some other method will have to be substituted in place of it. There are other methods suggested more promising with the cheap power available at Muscle Shoals, which I believe can be adopted without any danger of explosion.

Mr. KING. Does Henry Ford propose to use one of these other methods which meet the approval of the Senator?

Mr. LADD. He has not stated in his offer. He has not pledged himself to use either of the methods which are now in use, but has left it open to himself to use such method as he may choose.

Mr. KING. Is it the Senator's understanding, from the hearings and from what he can learn with respect to Mr. Ford's proposition, that whatever method he adopts it will be one which will be scientifically feasible and will result in the accomplishment of what the Senator has in view?

Mr. LADD. That is my judgment; yes.

Mr. KING. Does the Senator believe that there is any other proposition superior to that which has been submitted by Mr. Ford?

Mr. LADD. There is no other proposition except for the Government to finish the project and then dispose of it or use it. In fact, Henry Ford's is the only offer at the present time.

Mr. KING. What is the policy of the War Department, if the Senator is able to advise us?

Mr. LADD. I can not say what their policy is at the present time, but reports I have read indicate that they have decided not to go any further with plant No. 1 at Muscle Shoals.

Mr. KING. Are they offering any obstacles to entering into contractual relations with Henry Ford or offering obstacles to that and presenting no other policy?

Mr. LADD. I have no definite knowledge, but I feel that it probably is up to Congress to determine whether Henry Ford's offer shall be accepted or whether a new national policy shall be developed. But whatever it is to be, to my mind this "watchful waiting" is very unfortunate and very unnecessary, and either a national policy should be adopted or the offer before us accepted.

Mr. KING. If nothing is done toward repairing or improving the river and the dams, will there be waste and injury to existing dams, which in the future would have to be replaced in the event any projects were completed?

Mr. LADD. There would be, yes; and I am informed, though I have not had an opportunity to make a personal investigation, that it is necessary to modify the plans at Muscle Shoals somewhat before it is too late in order to insure their workability for nitrogen fixation.

Mr. KING. Does the Senator think that Mr. Ford's proposition is sufficiently concrete and definite as to justify the Government in entering into contractual relations with him?

Mr. LADD. Mr. President, I am going to answer that in this way: I came here as an advocate and friend of Government operation of public utilities. After making the investigation at Muscle Shoals, after considering the propositions that were before us, I determined in my own mind that the Henry Ford offer was the only practicable one before us, and I therefore did not support the proposition for Government operation.

Mr. KING. If that proposition should be accepted by the Government, what future appropriations would be required from the Government?

Mr. LADD. I am not prepared to answer as to the cost of the project, and I would not attempt to answer that at this time.

Mr. KING. Of course, it would be very much less than if the Government should attempt construction of the necessary dams and the nitrogen plant itself?

Mr. LADD. There is no question about that.

Mr. KING. The Ford plan, then, does contemplate considerable expense on his part?

Mr. LADD. It does contemplate a large expenditure on his part, and in fact, in my judgment, he could not make a success of Muscle Shoals if he did not build additional dams in the upper branches of the Tennessee River and impound their water, so as to stabilize the secondary power and increase the primary power.

Mr. KING. Does the Senator think it is wise for the Government to make any further appropriations upon that river for any purpose whatever, or would it be wiser, in his opinion,

to seek to obtain lessees under the Federal power act and make as good terms as possible with some lessees who would construct dams and furnish electrical energy for the section of the country in which the dams are situated?

Mr. LADD. I came to the conclusion, after studying the proposition, after going to Alabama and visiting the plant and seeing what had been done, and after listening to all the testimony, that it would be far better to accept the proposition for the completion of the dams under Government control rather than for the Government to do the work itself.

Mr. KING. I recall that some reference has been made in the discussion to the Alabama Power Co.—although I may not have the corporate name correct—which has operated for a number of years in Alabama and surrounding States. As I recall, some statement was made as to the willingness of that corporation to acquire the Muscle Shoals project for power purposes. Does the Senator think there is any possibility of our entering into arrangements under the Federal power control act with that corporation, or some other large private corporation, to produce electric energy and dispose of it, of course at rates which would be fixed by a commission to be appointed by the Government?

Mr. LADD. I referred to a statement from Doctor Glasgow, who made every effort to get financiers and fertilizer concerns and institutions interested in operating these plants, but he was unable to induce any of them to make an offer to take over the plant at Muscle Shoals, and therefore I conclude that they are fearful. I think they have reason to be fearful, because in my judgment many millions of dollars are going to be required to perfect those plants and make them successful for the production of nitrogen, either for powder purposes in time of war or for fertilizer purposes in time of peace. Conditions are changing so rapidly in experimental chemistry that any plant put up to-day, costing millions of dollars, may have to be scrapped inside of three years and replaced by a more modern plant.

Mr. KING. Is not the Senator afraid that the dangers and obstacles and impediments to which he has referred may deter Mr. Ford and frighten him from completing the project according to the plan which he has submitted?

Mr. LADD. I feel that he or his associates have in mind some method which they believe to be practicable, and he is willing to risk his millions. If he fails, under the contract the Government will have the right to take the property back at any time because of the failure of the lessee or purchaser to live up to the contract. The provisions of the contract are very rigid in that respect.

Mr. KING. The Senator favors the appropriation carried in this bill?

Mr. LADD. I have no objection to that.

Mr. SHIELDS. Mr. President, I favor the appropriation for the rivers and harbors of the United States, and I am opposed to any reduction of the amount recommended in the report, either as proposed by the amendment offered by the Senator from Idaho [Mr. BORAH] or that offered by the Senator from Wisconsin [Mr. LENROOT].

The sum proposed to be appropriated, in my opinion, is subject to but one objection, and that is that it is not large enough to take care of the great interests involved. The improvement of our rivers is of the greatest importance to this country, and any reduction of it will jeopardize the prosperity of our country and be hurtful to the development of our natural resources.

The subject has been discussed at length, and I do not intend to make any detailed argument or any argument in favor of any particular project, but to speak generally on the merits of the measure, on the great benefits to be derived by the people of this country from the improvement and proper maintenance of transportation upon our great rivers.

This morning I read an article in one of the greatest journals in this country, one that has done as much to advance the development of our natural resources and the manufactures of the entire United States as any other journal ever published. It has sound views upon most subjects, although with some of its positions I have not agreed. I am a subscriber to it, and I read it because I always find it interesting and instructive. I thoroughly agree with the editorial appearing in the magazine this morning, and it states the views I have of this bill, along the lines I intended to present it to the Senate, so much abler than I was able to do that I am going to read that article as a part of my remarks. I refer to the Manufacturers Record, of Baltimore, the issue of February 8, 1923. It is entitled "Wasting a priceless opportunity for national upbuilding," and reads as follows:

Adequate river transportation would create for this country billions of business now impossible of development through lack of transportation.



It would duplicate on our rivers the traffic through the "Soo" canal, which many times exceeds the aggregate traffic through the Suez and the Panama Canals. The value of these canals to world traffic is immeasurable, but it is not greater than would be the value of the full utilization of the traffic potentialities of the Tennessee, the Warrior, the Ohio, the Mississippi, and other rivers available for improvement and the construction of the Lakes-St. Lawrence waterway.

These improvements would be cheap if we expended a billion dollars upon them as rapidly as the work could be pushed. Indeed, it is safe to say that they would add at least a billion dollars a year to our national wealth. These improvements would unshackle trade held in check by lack of transportation; they would save hundreds of millions to our farmers; they would quicken the lifeblood of the whole country.

A few months ago Mr. Moreton Frewen, one of Europe's ablest students of world affairs, long an intimate friend and often adviser of E. H. Harriman, James J. Hill, and other giants in the American railroad field, wrote the *Manufacturers Record* that the construction of the Lakes-St. Lawrence deeper waterway would almost overnight double the value of every foot of land in Chicago and create similar conditions elsewhere by the enormous development of trade. That measurably indicates what every one of these big river improvements would mean; and yet Congress halts, and the Nation and many of its people squabble over a petty expenditure of about \$50,000,000 to secure such gigantic results.

Liverpool is to spend \$70,000,000 to improve its harbor facilities; Baltimore voted a few years ago a bond issue of \$50,000,000 for enlarged harbor terminals, but the United States, the great dominating industrial and agricultural country of the world, balks at the beggarly sum proposed in Congress for river and harbor work over an area of more than 3,000,000 square miles. What petty, parsimonious, narrow vision of how to create wealth by investing capital is displayed in this case by Congress and by the newspapers that parrotlike cry "pork barrel"!

Mr. President, there is no doubt that some bad projects are under construction upon our rivers and our harbors, but as to the merits of the great body of projects for the improvement of our waterways there can be, in my opinion, no reasonable controversy. We have the greatest system of inland waterways in the world. There is no country that can compare with ours in that respect. Many of our waterways are navigable without any improvement. Others, by a comparatively insignificant improvement, can be made navigable for many miles.

I think there is no question at this day that the Congress has the right to make appropriations for this purpose. I have no doubt that Congress, under the commerce clause, has jurisdiction to improve, has the right to remove obstructions, both natural and artificial, in our navigable streams for the aid and advancement of commerce. It would be, as has been said, a very limited power if we could only regulate commerce—that is, trade—without controlling the instrumentalities that are necessary to carry it on, and navigation is one of those. The only possible question that could ever be raised in this regard is whether the jurisdiction extended beyond the navigable waters, which in America means streams that are navigable in fact. We can not make a stream navigable by law. Under the common law of England, the system which we inherited and adopted, navigable streams were defined to be those in which the tide ebbed and flowed. That rule, of course, was inapplicable to the great waterways of the United States, and a different one was adopted, which is that those waters navigable for vessels engaged in commerce, ascending and descending in the natural condition of the waterways, or when reasonably improved, are in law navigable.

When we go beyond such waters, in my opinion, the Congress has no jurisdiction, but the pending bill proposes nothing of the kind. It is simply to improve the navigable waterways of the United States.

What we need in this country above all other things is cheap transportation. We can talk here for days and pass all sorts of measures to give the agricultural interests credit. We can do everything possible to get them in debt. But that is not really what the agricultural interests, the great body of them, in this country want. They do not want to get in debt. They want to get out of debt. They want reasonable and just prices, a fair price for their produce and a fair return for their labor. Furnish them a market, furnish them cheap transportation, and the agricultural interests do not ask any odds of any other interests. The agricultural interests always have been and always will be able to take care of themselves; indeed, they take care of the whole country. What is choking them now is the cost of the transportation of products to the market.

It is to my mind a crime that we do not develop our waterways and afford that transportation. It ought to have been done many years ago. If our rivers had been improved, if all their facilities and possibilities for transportation had been developed, there never would have been any trouble about transportation during the great war. We never would have been under any necessity of the Government taking charge of our railroads, with the net result of a resulting indebtedness to the Government of the enormous sum of \$1,800,000,000. We would have had ample transportation.

We would have it to-day. We have to look to the waterways for such transportation in the future. The railroad companies have got in such a condition in this country that further construction is at a standstill. There has been less railroad building in the last two or three years than heretofore for 50 years. With the troubles resulting from regulation and wages, the railroads have had hard going. I do understand the railroad question, and I am not going to attempt to argue it, but no one who reads the papers and has even a superficial knowledge of it can fail to recognize that there are two conflicting interests that seriously affect this great system of transportation in our country, and so affect capital and the investing interests that they have ceased to put their money into railroads as they formerly did.

Until there is a better condition, until there is more profit in that business, I do not see any chance for further extension of railroad transportation. But if there was, we want the waterways developed. We want competing transportation to the railroads. Competition is the best way to reduce freight rates. It would control them better than any law. Let them compete for the business. Let us develop the waterways, furnish cheaper transportation than the railroad companies can possibly furnish, and then we will have facilities for getting the products of the farmer and the manufacturer to the markets where they are needed and desired and where they can be sold at profitable prices. In that way we will do more to relieve agriculture and to relieve general conditions in the country, in my opinion, than in any other way possible.

In other words, Mr. President, I believe transportation is now giving the country more trouble than any other question. We should devote our attention to that problem and develop our waterways, and if possible do something to get cheaper rates upon the railroads for the farmers. I think in some sections they can carry the produce of the country cheaper than they are doing it now, and I think they ought to do it. I think it would be to their interest to do it, for in many instances the producers have absolutely stopped shipping their product because the freight rates are greater than the prices that can be realized, and produce is rotting in the warehouses and on the farms.

For these reasons I am in favor of the improvement of all our waterways. I would be glad to vote for a larger sum for that purpose. I think it is the poorest business imaginable, after the country has spent approximately a billion dollars in improvement of the waterways, to abandon them. We should, by failing to make appropriations, not only stop the improvements but allow the billion dollars in improvements we have already made to go to wreck and ruin and waste. We know it requires constant attention and constant expense to keep them up. We would simply be guilty of the poorest economy and poorest business management imaginable.

Mr. President, I hope the amendments will be voted down and the full amount proposed appropriated.

Mr. McKELLAR. Mr. President, the provision of the bill on the subject of rivers and harbors is as follows:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interest of commerce and navigation, \$56,589,910.

As I understand it, there are two amendments offered to this section, one by the Senator from Wisconsin [Mr. LENROO] to reduce the amount to \$42,000,000, and another one by the Senator from Idaho [Mr. BORAH] to reduce it to \$27,000,000. I am opposed to both amendments.

The amount reported by the committee is, in my judgment, a reasonable and proper amount. If there is any trouble with it, it is too low. It is certainly not too high. This work on the rivers and harbors of the country is a great work and means a great deal to the people of the country. The need of the larger appropriation can not be better illustrated than by referring to the situation on the Mississippi River.

In the past we have spent large sums for the improvement of the Mississippi River, and we are now obtaining the fruits of the expenditures heretofore made. Transportation upon the Mississippi River has increased several fold in the last few years.

On the barge line alone the increases are shown in the following figures. The line was put in operation November 1, 1919:

Nov. 1, 1919, to July 1, 1920, tons of freight carried.....	115, 907
July 1, 1920, to July 1, 1921, tons of freight carried.....	237, 258
July 1, 1921, to July 1, 1922, tons of freight carried.....	655, 789

It will be recalled that the Government barge line was established nearly three years ago on that river and on the Warrior River. The barge line on the Mississippi runs principally between St. Louis and New Orleans. Since the barge line on this great river has been in existence it has been a paying proposi-



tion. It was a paying proposition from the first month, as I recall, paying even upon the large cost of the barges on the line, which, as we all know, were built at war costs. The result has been that an enormous business has been built up, increasing several fold each year. The first year it was prosperous, the second year it was very much more prosperous, and the third year even more prosperous, though it had an accident to which I now wish to call attention, an accident that will probably not occur again if the provision of the bill which I am now discussing is agreed to unamended.

The Mississippi River between St. Louis and New Orleans is navigable, practically speaking, at all times of the year. However, between Cairo and St. Louis there are a number of shallow places and occasionally the water gets so low that boats of the draft drawn by the Government barges get stuck.

Unfortunately, last September, on this particular stretch of the river, the barge line was put out of commission for nearly three months, beginning in September and ending in November, as I recall, simply because that part of the river had not been dredged and opened as it should have been. I wish to take this occasion to say that the Chief of Engineers, General Beach, immediately upon that trouble arising came to the rescue of the barge line. He is one of the most capable and efficient officers of the Government, and always stands ready to safeguard the Government's interests. He sent his engineers there, he sent his dredge boats there, and did everything in the world that could be done in order to clear that part of the river so that the barge line might proceed with its business, and it was cleared as soon as possible. If General Beach had had the money, if he had had the equipment, that accident never would have happened. Notwithstanding the barge line being virtually out of commission in that part of the river for a period of nearly three months, it made a large amount of money during the past year, and the losses that were then sustained will soon be wiped out and the line will show a large profit for the present fiscal year.

This is too great a work for us to take any chances on it. We ought to see to it that the river between St. Louis and New Orleans is kept absolutely free from obstructions at all times during the year. It can be done by an appropriation of a reasonable amount such as has been reported in the bill. I understand the appropriation carried this year will amply provide for that stretch of the river. I hope such appropriation will not be reduced; it ought not to be reduced. We know the difficulties which we have had in reference to transportation, and there is no reason in the world why the Government should not improve its rivers and its harbors so as better to take care of the Nation's business. With railroad rates as high as they are, with rates on the barge line 20 per cent less than railroad rates, with lack of building of new railroads, with our unexcelled waterways, we should improve them and make them do the work they are so capable of performing.

Mr. President, a committee of this body has recently been appointed to investigate and report on a 9-foot water channel from the Great Lakes to the Gulf. The State of Illinois has already appropriated \$20,000,000 to be used on this work in Illinois. When completed it will constitute one of the greatest waterways in the world. It will not only give water transportation between Chicago and New Orleans but will give it between many other cities on the Mississippi and its tributaries. Nashville will have this transportation; Louisville, Cincinnati, St. Louis, Little Rock, Muscle Shoals, and many other places. Memphis will be on the direct line. If our plans are carried out we will soon build up between the Great Lakes and the Gulf on these rivers and canals the greatest system of inland water transportation in the world. We should leave no stone unturned to make this great waterway a success.

I believe that the money which is proposed to be expended in this appropriation will be as well spent as any money which we shall appropriate this year, and a great deal better than much of the money which we have already appropriated or which we shall hereafter appropriate.

Mr. President, for these reasons I very much hope that the amendments which have been offered to the bill will be voted down and that the report of the committee carrying \$56,589,910 will be left in the bill.

Mr. HEFLIN. Mr. President, I am in hearty accord with what the Senator from Tennessee has said. I very much hope that the Senate will vote down the amendment of the Senator from Idaho [Mr. BORAH]; in fact, that it will vote down both amendments. A Republican Congress by its silence permitted four Federal reserve banks to appropriate about \$50,000,000 to construct bank palaces in four large cities. A large amount of that money would have gone into the Federal Treasury as a franchise tax had it not been for the approval by the Federal Reserve Board of the use of that money for those four banks.

Mr. President, I might cite a number of instances where special interests have been favored. I could call to the attention of the Senate, as I have done frequently and as I shall frequently in the future, the fact that \$90,000,000 a year was taken off the big income taxpayers of the country; the men of all men in the country who are most able to pay taxes. They were entirely excused from the payment of those taxes. So they are saving to themselves every year now \$90,000,000. I might again remind the Senate, and it is well that the country also should be reminded—for this Government belongs to the people of the country and they must make up their minds next year so as to decide who shall have control of the Government for the following four years—I might remind the Senate and also the people of the country through the Record that this Republican Congress voted to exempt certain taxpayers from the payment of \$450,000,000 a year. The profiteers of the United States received at your hands an annual gift of \$450,000,000.

Mr. President, if this Congress can sit without batting its eye and permit four Federal reserve banks to build four bank palaces costing about \$50,000,000, if it can permit the big income taxpayers to be excused from the payment of \$90,000,000 a year taxes and profiteers to be exempt from the payment of \$450,000,000 annually, it does seem to me that it can grant to the whole people of the United States for river and harbor purposes the sum of \$56,000,000.

Why can we not do that? Such an appropriation would benefit millions of people; and we ought here to do that which will bring about the greatest good to the greatest number. That may be an unpopular doctrine in the Senate now; it may be that we have fallen upon a time when he who lifts his voice against special or favored interests transgresses the rules of the Republican Senate, is out of order, and is talking in another age. Thank God, however, we are approaching a time when the people will again be heard, and, as I said a few days ago, when a new declaration of independence will be submitted to them. It is high time it were being submitted. We are fighting to hold in this bill a sufficient appropriation to provide for opening up rivers so that ships may bear the products of the farm to the factories and to the marts of trade, and thus contribute to the development of commerce in the United States. It looks as if a combination is being formed to strike down this appropriation.

Mr. President, I merely want to say a word on this subject. The Senator from Idaho [Mr. GOODING] called attention yesterday to the fact that he knew of vast quantities of agricultural products, wheat, corn, and other commodities, which rotted at the docks because there were not sufficient transportation facilities to carry them to the market place. Senators, there is no excuse for a situation such as that under a great Government like ours. If this is a government of the people, by the people, and for the people, why can not we, who are in charge of the Government, unloose these instrumentalities so that they will serve the needs of the people? We are not sent here to use these instrumentalities to serve the needs or the greed of a favored few to the hurt and the injury of the many. Probably I violate the rule when I say that, but I say it and I repeat it—we are not here to vote to use these instrumentalities to serve the whim and the greed of a favored few; we are here to use them to serve the needs of the common masses of the common people. Probably the majority of the Senate will adopt a rule to reach just such a speech as that and cut it out of the Record, and perhaps the time may come when a Senator who wants really to speak what he thinks will prepare his remarks and hand them to a Republican committee to examine and blue pencil. He will say, "Is there anything in that, my lord, to which you object?" Well, it will be a good while before they can make me conform to any such rule.

Now, Mr. President, I want to answer an argument made yesterday by one of the Senators on the other side about water and rail transportation. One Senator suggested that he did not know that water transportation influenced the railroads in giving cheaper rates. There is not any doubt about that in the world. If a railroad line parallels a river, and the Government goes to work and opens up the river so that boats may ply on it, the railroad line will make more reasonable rates. So when we open up one of these rivers and make it navigable we serve the needs of commerce; we are doing that which will benefit the farmer; we are helping also in doing that which will cause the railroads to charge fair and reasonable rates.

So when we stand here this afternoon—and I am just going to say a word more—and plead for the appropriation provided in the bill of \$56,000,000 for river and harbor improvements for 110,000,000 people we are pleading for a righteous project, we are pleading for a cause that is just, and I hope that no combination of interests will be permitted to strike out the provision which sets aside \$56,000,000 for river and harbor purposes.



The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The question is on the amendment offered by the Senator from Wisconsin [Mr. LENROTH] to the amendment proposed by the Senator from Idaho [Mr. BORAH].

Mr. UNDERWOOD. Mr. President, I have before me a memorandum prepared by the War Department in reference to these minor projects proposed to be covered by the appropriation in the pending bill, on which projects most of the criticism has fallen. The memorandum goes to show the reasons for the particular expenditures along that line, and I ask that it may be read by the Secretary in my time.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

Memorandum.

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, February 8, 1923.

The total number of localities given in the annual report of the Chief of Engineers upon which it is stated that any funds can be profitably expended during the fiscal year ending June 30, 1924, is 308. Of this total 24 only reported a tonnage during the calendar year 1921 of 5,000 tons or less. These localities are as follows:

Plymouth Harbor, Mass.: There was practically no tonnage for this harbor during 1921, due to the fact that most of the wharf property in Plymouth Harbor was destroyed during that year by the Pilgrim Tercentenary Commission in connection with the celebration of the landing of the Pilgrims. Prior to 1921 the commerce ranged from 13,500 tons to 28,600 tons, and the number of passengers is normally about 70,000 to 75,000 per annum. The improvement it is planned to undertake is the dredging of the harbor at a locality where the wharf facilities can be restored, it being impracticable to restore them in their old locality on account of the monuments erected during the celebration. This is a cooperative project, one half (\$51,000) being paid by the United States and the other half by the State of Massachusetts. The maintenance is nominal.

Mattituck Harbor: The commerce for 1921, 1,324 tons. Proposed expenditure, \$5,000. This is a small harbor on the north shore of Long Island, which is made use of by light-draft boats carrying oysters, clams, fruit, and vegetables. The average cost of maintenance for this harbor for the years 1918-1922, inclusive, was \$1,662.93. The present relatively large amount required is due to the fact that the harbor has not been properly maintained in the past few years.

St. Jones River, Del.: This is a small stream flowing southeasterly and emptying into Delaware Bay about 26 miles above Cape Henlopen. It is used by small boats carrying coal, grain, and vegetables. The use of the river has been limited by sharp bends and insufficient depth of channel. The amounts stated in the report as \$45,000 for improvement and \$5,000 for maintenance, which can be profitably used now, are those necessary to place the river in a suitable navigable condition. After the stream is once dredged the cost of maintenance should be small.

Channel, Thoroughfare Bay, Cedar Bay, N. C.: This is a small channel connecting two larger bodies of water, Core Sound and Pamlico Sound, and is used largely by small boats carrying fish and oysters. The existing project was completed in 1921. There have been no expenditures for maintenance during the past five years. The estimated annual cost of maintenance is \$300 after the channel has once reached a stable condition, and it is expected that the work which will be done with the allotment now contemplated will bring about this condition.

Channel, Apalachicola River, St. Andrews Bay, Fla.: This is a waterway approximately 36½ miles in length, extending from a point 6 miles above the mouth of the Apalachicola River in a northwesterly direction to St. Andrews Bay, Fla. The commerce passing through this channel for the calendar year 1921 was 3,422 tons, consisting of logs, general merchandise, and vegetables. The contemplated expenditures for 1924 are wholly for repairs to plant, which has been used in the maintenance of this improvement.

Clear Creek, Tex.: This is a small stream emptying into the west side of Upper Galveston Bay. It is used as a navigable waterway connection between the towns of Seabrook, Webster, League City, and Friendswood, and the cities of Houston and Galveston, and at times it is used as a means of distributing shell at the former places for the county highways and for railway ballast, but during the year 1921 the commerce consisted entirely of oysters, crabs, and fish, which were moved in small boats over the waterway. The average expenditure for maintenance during the five years 1918-1922 was \$2,000.

Umpqua River and Bay, Oreg.: The Umpqua River is the largest stream entering the Pacific Ocean between Sacramento and Columbia Rivers. It empties into the ocean about 180 miles south of the Columbia River and 465 miles north of San Francisco Bay. The country tributary to the Umpqua River produces a large amount of lumber; but the shipments by water have been impracticable, due to the fact that the depth over the bar was insufficient for deep-sea ships. The project for the improvement of this harbor was adopted by the river and harbor act of September 22, 1922, which provided that one-half of the cost of the project should be borne by local interests. Local interests have already undertaken their share of the work and have expended over \$200,000 toward the construction of the jetty authorized by the project. The commerce for the calendar year 1921 was only 3,456 tons, but this was due to the fact, as stated, that the depth on the bar was insufficient for the character of boats desiring to use the harbor. The expenditure proposed for 1923 is \$276,500, which is the total cost of the Government's share of the work.

Plattsburg Harbor, N. Y.: A harbor on the east side of Lake Champlain. Commerce for 1921, 3,951 tons. Proposed expenditure, \$1,000 for maintenance of old breakwater.

Port Wing Harbor, Wis.: Located on the south shore of Lake Superior, 34 miles east of Duluth. Commerce for 1921, 893 tons. Proposed expenditure, \$1,000 for maintenance.

Ontonagon Harbor, Mich.: Located on the south shore of Lake Superior, 136 miles east of Duluth and 274 miles west of Sault Ste. Marie. Commerce of 1921, 80 tons. Proposed expenditure, \$9,000 for maintenance, for dredging and repairs to the piers, which have been neglected and which are now in a bad state of decay, requiring extensive repairs to superstructure. This was formerly an important lum-

ber port, and unless it is to be entirely abandoned, which has not been authorized by Congress, the piers must be repaired from time to time in order to prevent their entire destruction and the closure of the harbor.

Grand Marais Harbor, Mich.: Located on the south shore of Lake Superior, 314 miles east of Duluth. Commerce for 1921, 40 tons. Proposed expenditure, \$15,000 for dredging and repairs to piers. This harbor is used as a harbor of refuge, and, during the year 1921, 17 vessels, with a net registered tonnage of 4,959 tons, entered the harbor for shelter. The depth entrance is insufficient to provide for larger vessels, otherwise it would probably be used to a much greater extent as a harbor of refuge by vessels. However, its availability, even in its present condition, results in a saving of life and property.

Zippel Bay, Lake of the Woods, Minn.: Zippel Bay is located on the southern shore of the Lake of the Woods, Minn. Tonnage for 1921, 1,258 tons. Proposed expenditure, \$2,000 for dredging. The harbor is used by small boats carrying miscellaneous merchandise, fish, vegetables, lumber, and transportation of passengers.

Cape Vincent Harbor, N. Y.: This harbor is located on the south shore of the St. Lawrence River, 2½ miles from Lake Ontario. Tonnage for 1921, 3,058 tons. Proposed expenditure, \$500. This expenditure is for general supervision and such minor surveys and examinations as may be necessary to keep track of the condition of the harbor.

Blackwater River, Va.: A small stream emptying into Albemarle Sound. Tonnage for 1921, 2,544 tons. Proposed expenditure, \$2,000 for the removal of obstructions to navigation in the shape of logs, snags, and other similar obstructions. The average expenditure for maintenance for the five years 1918 to 1922 was \$419.80. The commerce carried consists principally of peanuts, cotton, fertilizer, and general merchandise. The stream affords navigation facilities for a section of the country without other means of transportation.

Pamlico and Tar Rivers, N. C.: This stream affords a navigable channel at least 6 feet deep from Pamlico Sound to Greenville, N. C., a distance of 60 miles, and a natural channel, cleared of snags, for 27 miles farther. The commerce for this stream, stated in tabular statement prepared in the office of the Chief of Engineers, showing the amounts stated in the Annual Report of the Chief of Engineers as those that can be profitably expended during the fiscal year June 30, 1924, for maintenance and improvement of river and harbor works, and commerce for 1921 is in error in the amount of commerce stated, namely, 644 tons. This commerce for 1921 amounted to 145,772 tons, which was the least that had been in five years, with the exception of 1920, when it was 139,951 tons. The stream is an important commercial highway.

Contentnea Creek, N. C.: This is a small stream emptying into Neuse River about 32 miles above New Bern, N. C. It has been improved for a length of 63 miles, and it has been an important commercial stream and has had a material effect in the development of the country. It is still occasionally used. The proposed expenditure of \$1,500 is entirely for snagging, in order to prevent the stream from being entirely closed to commerce.

Savannah River above Augusta, Ga.: The portion of the Savannah River included in this improvement extends from Augusta upstream a distance of 45 miles. The project provides for light-draft navigation to permit of the carrying of cotton, food products, and lumber in small boats. The work consists in the removal of snags and loose rocks. The proposed expenditure is \$1,000. The average expenditure for the past five years has been (from 1918 to 1912, inclusive) \$768.10.

Kissimmee River, Fla.: A small stream emptying into Lake Okechobee. The commerce for 1921 was 2,215 tons. Proposed expenditure, \$5,000, for maintenance by a small amount of dredging. The stream affords a navigable waterway which facilitates the transportation of fruits and vegetables which are largely raised in the section of the country tributary to this stream. The small commerce has been due to the lack of a suitable channel, which has made the navigation difficult.

Holmes River, Fla.: A small stream in Alabama and Florida which empties in the Choctawhatchee River, Fla., about 27 miles above its mouth. Commerce for 1921 was 563 tons. Proposed expenditure, \$1,680, for snagging operations in the lower part of the river in order to permit of the utilization of the stream for such commerce as may desire to use it. The commerce carried during 1921 consisted of fertilizer carried upstream and resin and turpentine downstream. While the commerce is small, it is important to the community, and could not be carried on at all were it not for the small amount of snagging work proposed.

Boeuf River, La.: This river rises in Arkansas and flows in a general southwesterly direction, entering the Ouachita River 81 miles above the mouth of the Black River. The commerce for 1921 was 1,495 tons. Proposed expenditure, \$5,000, for snagging. The commerce consists of timber, farm products, and general merchandise carried in small boats. The snagging is necessary in order that the river may be navigated.

Bayou Bartholomew, La. and Ark.: This stream rises in Jefferson County, Ark., and enters the Ouachita River near Ouachita, La., 210 miles above the mouth of the Black River. The commerce for 1921 was 1,805 tons. Proposed expenditure, \$2,500, for snagging. The commerce consists of lumber, farm products, and general merchandise. The proposed work is necessary in order that the stream may not be entirely closed by snags.

Bayous D'Arbonne and Corney, La.: These streams combine and enter the Ouachita River, La., about 189 miles above the mouth of the Black River. Commerce for 1921 was 1,690 tons. Proposed expenditure, \$2,000, for snagging. The commerce consists of timber, farm products, and general merchandise. The commerce for 1921 was much less than in preceding years, due to the fact that sawmills located on the river were not in operation. The work proposed is snagging, which is necessary to prevent the stream becoming entirely closed to traffic.

Steele and Washington Bayous and Lake Washington, Miss.: These streams combine and enter the Yazoo River about 8 miles above its mouth. Tonnage for 1921 was 4,662 tons. Proposed expenditure, \$2,500, for snagging. The usual tonnage on these streams has ranged from 10,000 to 27,000 tons. The tonnage for 1921 was due to the falling off in operation of the sawmills. The proposed work is necessary in order to prevent the stream becoming entirely closed to commerce.

The total amount involved in all of the projects referred to above, which are all of the projects upon which it is proposed to expend any funds during 1924 which have tonnages of less than 5,000 tons each, amounts to \$137,180, except for the two projects, Plymouth Harbor, Mass., and Umpqua Bay and River, Oreg., on which the amounts are, respectively, \$51,000 and \$276,500, which are cooperative projects where



local interests are to pay one-half of the total costs and where, in the case of the Umpqua project, local interests have already proceeded with and practically completed their share of the work. The amount which it is proposed to expend by the United States is merely to meet the expenditures already made by local interests. Both of these projects, it should be noted also, were adopted by the September 22, 1922, act.

Mr. UNDERWOOD. Mr. President, I had this memorandum read because it gives the statement of the War Department in reference to the minor projects which have been assailed in connection with the discussion of the bill. It gives a full and complete explanation with regard to all the projects where less than 5,000 tons of freight were carried last year. The expenditures are very small, and the authorization has been made by the Congress.

Although I think the development of commerce lies along the great rivers, in large part, these smaller expenditures are on short rivers, in order to make it possible to reach the ports, so that commerce may get out to sea. They are improvements on small streams, in localities where there are no other facilities for transporting commerce, in the main.

As the Constitution of the United States gives the power to the Federal Government to look after the commerce of the people of the United States, I do not see any reason why a small fishing village may not have its commerce considered and an opportunity given to carry the product of its fishing industry out to sea by an expenditure of \$5,000, as much as a great port like New York should have its facilities improved by the expenditure of \$50,000,000, as sometimes happens.

So I do not think a project is to be condemned just because it is small. Of course the amount of the expenditure ought to be considered in connection with the amount of business actually done; but in reference to the small projects which have been castigated in this debate, the expenditures are very small, and those improvements will be of as great service proportionately to the people who get the advantage of them as those on the greater projects will be to the larger commerce of a larger port.

Without cutting off any debate, when the time comes I wish to make a motion to lay the pending amendment and the amendment thereto on the table. My purpose in doing that will be to bring directly before us the issue as to whether the Senate stands for the appropriation of the \$56,000,000 for river and harbor improvements, which was recommended by the engineers, or whether it does not.

Mr. FLETCHER rose.

Mr. WADSWORTH. Mr. President, does the Senator from Alabama intend to make but one motion to table, and that that motion shall carry both the amendment of the Senator from Idaho and the amendment of the Senator from Wisconsin?

Mr. UNDERWOOD. I am not making the motion in order to cut off debate, but debate will close in eight minutes, anyhow. I am not going to make the motion until the eight minutes are up, if anyone wants to take the floor. My only purpose is to bring forward the direct issue as to whether the United States Senate stands for the recommendation of the engineers or not.

Mr. WADSWORTH. So far as the Senate's vote on the motion which the Senator says he will make is concerned, there will be no direct issue left. Some Senators are in favor of an appropriation of \$27,000,000 and others are in favor of an appropriation of \$42,000,000. The Senator's motion will prevent them from voting for the amount of their choice.

Mr. UNDERWOOD. Some of them are in favor of \$56,000,000.

Mr. WADSWORTH. Surely.

Mr. UNDERWOOD. If the majority of the Senate is in favor of an appropriation of \$56,000,000, why should we delay the Senate by voting for other amounts?

Mr. WADSWORTH. The Senator has not told quite all the story. There are some Senators who might prefer \$56,000,000 to \$27,000,000, but would prefer \$42,000,000 to either. The Senator's motion will make it impossible for those Senators to vote that way. But I think a way will be found.

Mr. UNDERWOOD. I realize that; but I want to test the Senate to find out who is standing for \$56,000,000, the recommendation of the engineers.

Mr. WADSWORTH. Is there anything in the normal procedure which would fail to bring such a test?

Mr. UNDERWOOD. I do not know why we should vote on the different figures if we are going to find that a majority of the Senate is for the larger amount. If it is not, then we will have to determine between the other propositions. I bring the issue at the top of the ladder instead of the bottom, that is all. The Senator from New York wants me to start at the bottom of the ladder, but I want to start at the top.

Mr. WADSWORTH. No; if I had my choice I would start with \$42,000,000.

Mr. UNDERWOOD. I understand; but my purpose is to bring the direct issue before the Senate as to whether the Senate stands for \$56,000,000, the amount recommended by the engineers and carried in the bill by the House and reported by the committee to the Senate.

Mr. LENROOT. Then a vote in favor of the Senator's motion will mean that the Senator casting the vote stands for the appropriation of \$56,000,000?

Mr. UNDERWOOD. Undoubtedly. I think that is a fair presentation of the case. I ask that that motion may be pending, or that I may have an opportunity to make it when 4 o'clock arrives. I do not want to cut off the Senator from Florida.

Mr. FLETCHER. I wanted to say just a word.

Mr. UNDERWOOD. I will yield to the Senator until one minute before 4, if he will allow me to take the floor then to make the motion.

Mr. FLETCHER. Mr. President, I have just noticed an observation made by the Senator from Wisconsin [Mr. LENROOT], on yesterday at page 3200 of the CONGRESSIONAL RECORD. In the course of his remarks he said:

There is a river in Florida, the name of which I can not pronounce, upon which it is proposed to expend \$90,000, as I read it, for maintenance, upon which 5,000 tons of commerce were carried last year.

The Senator is entirely mistaken as to the location of the river. What he had in mind, as shown by the hearings and the list of projects to be taken care of by the engineers, was undoubtedly the Chattahoochee River, where it is proposed to expend that amount for maintenance. In volume 1, part 1, of the report of the Chief of Engineers, page 866, the Chattahoochee River is described as follows:

The Chattahoochee River rises in the north central part of the State of Georgia and flows in a southwesterly direction to West Point and thence in a southerly direction to join with the Flint at the southwest corner of the State of Georgia, forming the Apalachicola River.

After it gets into Florida, there the combination of the Chattahoochee and the Flint make the Apalachicola, but the Chattahoochee River is the river to which the Senator referred, and the Report of the Chief of Engineers shows precisely what the proposed operation will be, and shows the reason for this recommendation. The amount of commerce was comparatively small last year because one of the boats was destroyed by fire and they have not been able to replace it, and the tonnage is comparatively small, but it is a very valuable tonnage. It is composed of cotton, fertilizer, grain, and naval stores. The river is a navigable stream. The depth of water is, of course, not very great, 3 or 4 feet, and the commerce is carried largely by packet boats. It is proposed to apply this money for the following purposes:

For dredging operations between Columbus, Ga., and Eufaula, Ala., \$30,000, using the U. S. dredge *Muscogee*; for repairs to, extension, and construction of jetties, \$30,000; for snagging operations from Columbus, Ga., to the mouth, \$15,000; for the construction of two new steel barges, one steel hull quarterboat, and one inspection launch, \$28,000; for minor repairs to plant, \$5,000; for care of idle plant, \$5,000; and for overhead expenses and superintendence, \$12,000. The above covers \$35,000 for new work and \$90,000 for maintenance.

That is the project on the Chattahoochee River, to which the Senator referred. It does not touch Florida at all. Besides that, the report says:

While the amount required for maintenance is \$60,259.02 greater than the average amount expended for maintenance during the preceding five years, this may be explained by the fact that appropriations for the past several years have been so small that maintenance operations could not be kept up to date. The plant has deteriorated to such an extent that extensive replacements are necessary.

That accounts for the large amount of maintenance in that item.

Mr. UNDERWOOD. Mr. President, I now move that the pending amendment and the amendment thereto be laid on the table. Pending that motion, I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Harris	McCormick
Bayard	Dial	Heflin	McCumber
Borah	Dillingham	Hitchcock	McKellar
Brookhart	Ernst	Johnson	McKinley
Broussard	Fernald	Jones, N. Mex.	McNary
Bursum	Fletcher	Jones, Wash.	Moses
Calder	France	Kendrick	Myers
Cameron	Frelinghuysen	Keyes	Nelson
Capper	George	King	New
Caraway	Gerry	Ladd	Nicholson
Colt	Glass	La Follette	Norbeck
Couzens	Gooding	Lenroot	Norris
Culberson	Harrell	Lodge	Oddie



Overman	Robinson	Sterling	Walsh, Mont.
Page	Sheppard	Sutherland	Warren
Pepper	Shields	Swanson	Watson
Pittman	Shortridge	Townsend	Weller
Poinexter	Smoot	Trammell	Williams
Pomerene	Spencer	Underwood	Willis
Ransdell	Stanfield	Wadsworth	
Reed, Pa.	Stanley	Walsh, Mass.	

The PRESIDING OFFICER. Eighty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama [Mr. UNDERWOOD] to lay on the table the amendment of the Senator from Idaho [Mr. BORAH] and the amendment thereto offered by the Senator from Wisconsin [Mr. LENROOT].

Mr. UNDERWOOD. I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). I am paired with the Senator from Colorado [Mr. PHIPPS]. I transfer that pair to the Senator from Missouri [Mr. REED] and vote "yea."

Mr. LADD (when his name was called). On this question I am paired with the junior Senator from Mississippi [Mr. HARRISON], who is necessarily absent. I therefore withhold my vote.

Mr. SHIELDS (when the name of Mr. REED of Missouri was called). The Senator from Missouri [Mr. REED] is necessarily absent on account of the death of his law partner, J. G. L. Harvey. If the Senator from Missouri were present, he would vote "yea."

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Maine [Mr. HALE], who is absent on account of illness. I transfer that pair to the senior Senator from North Carolina [Mr. SIMMONS] and vote "yea."

Mr. STERLING (when his name was called). I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Iowa [Mr. CUMMINS] and vote "nay."

The roll call was concluded.

Mr. FLETCHER (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. BALL] to the junior Senator from Minnesota [Mr. KELLOGG] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. GERRY. I wish to announce that the junior Senator from Mississippi [Mr. HARRISON] is necessarily absent. If present, he would vote "yea" on this question.

The result was announced—yeas 46, nays 35, as follows:

## YEAS—46.

Bayard	France	McNary	Shortridge
Broussard	Frelinghuysen	Nelson	Spencer
Bursum	George	Oddie	Stanfield
Calder	Gerry	Overman	Stanley
Cameron	Glass	Pepper	Sutherland
Caraway	Gooding	Pittman	Swanson
Colt	Harris	Pomerene	Trammell
Culberson	Heflin	Ransdell	Underwood
Dial	Johnson	Reed, Pa.	Walsh, Mass.
Ernst	Jones, Wash.	Robinson	Williams
Fernald	Kendrick	Sheppard	
Fletcher	McKellar	Shields	

## NAYS—35.

Ashurst	Jones, N. Mex.	Moses	Sterling
Borah	Keyes	Myers	Townsend
Brookhart	King	New	Wadsworth
Capper	La Follette	Nicholson	Walsh, Mont.
Couzens	Lenroot	Norbeck	Warren
Curtis	Lodge	Norris	Watson
Dillingham	McCormick	Page	Weller
Harrell	McCumber	Poinexter	Willis
Hitchcock	McKinley	Smoot	

## NOT VOTING—15.

Ball	Elkins	Ladd	Reed, Mo.
Brandegee	Hale	McLean	Simmons
Cummins	Harrison	Owen	Smith
Edge	Kellogg	Phipps	

So Mr. BORAH's amendment and Mr. LENROOT's amendment to the amendment were laid on the table.

Mr. WADSWORTH. Mr. President, I move, in line 12, page 106, to strike out the numerals "\$56,589,910" and to insert "\$50,000,000."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York.

Mr. WADSWORTH, Mr. SMOOT, and Mr. FLETCHER asked for the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

Mr. DIAL (when his name was called). Making the same announcement as to my pair and its transfer as on the former ballot, I vote "nay."

Mr. SHIELDS (when his name was called). Making the same transfer of my pair as on the former vote, I vote "nay."

Mr. STERLING (when his name was called). Making the same announcement as to my pair and its transfer as on the last vote, I vote "yea."

The roll call was concluded.

Mr. FLETCHER (after having voted in the negative). I have a general pair with the Senator from Delaware [Mr. BALL] who is absent. I transfer that pair to the junior Senator from Minnesota [Mr. KELLOGG] and allow my vote to stand.

Mr. LADD. I transfer my pair with the Senator from Mississippi [Mr. HARRISON] to the Senator from Connecticut [Mr. BRANDEGEE], and vote "yea."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. HARRISON], the transfer of whose pair has just been announced by the Senator from North Dakota [Mr. LADD], is necessarily absent. If present the Senator from Mississippi would vote "nay."

The result was announced—yeas 38, nays 44, as follows:

## YEAS—38.

Ashurst	Jones, N. Mex.	Moses	Townsend
Borah	Kendrick	Myers	Wadsworth
Brookhart	Keyes	New	Walsh, Mass.
Calder	King	Nicholson	Walsh, Mont.
Capper	Ladd	Norbeck	Warren
Curtis	La Follette	Norris	Watson
Dillingham	Lenroot	Page	Weller
Fernald	Lodge	Poinexter	Willis
Harrell	McCormick	Smoot	
Hitchcock	McCumber	Sterling	

## NAYS—44.

Bayard	France	McKinley	Sheppard
Broussard	Frelinghuysen	McNary	Shields
Bursum	George	Nelson	Shortridge
Cameron	Gerry	Oddie	Spencer
Caraway	Glass	Overman	Stanfield
Colt	Gooding	Pepper	Stanley
Couzens	Harris	Pittman	Sutherland
Culberson	Heflin	Pomerene	Swanson
Dial	Johnson	Ransdell	Trammell
Ernst	Jones, Wash.	Reed, Pa.	Underwood
Fletcher	McKellar	Robinson	Williams

## NOT VOTING—14.

Ball	Elkins	McLean	Simmons
Brandegee	Hale	Owen	Smith
Cummins	Harrison	Phipps	
Edge	Kellogg	Reed, Mo.	

So Mr. WADSWORTH's amendment was rejected.

Mr. WADSWORTH. Mr. President, I do not desire to offer an amendment to this particular section, but I have an amendment to offer to another title of the bill, although it relates to river and harbor work. I am not certain whether the unanimous-consent agreement made on yesterday would prohibit my explaining the amendment or not, if, indeed, an explanation is desired. However, I will offer the amendment at this time.

Mr. UNDERWOOD. I have no doubt the Senator from New York can obtain unanimous consent to explain his amendment for a reasonable time.

Mr. BORAH. Does the Senator's amendment propose to increase or decrease the appropriation?

Mr. WADSWORTH. It makes no change in that respect.

The VICE PRESIDENT. The amendment proposed by the Senator from New York will be stated.

The ASSISTANT SECRETARY. On page 22, line 9, after the numerals "\$1,000,000," it is proposed to insert the following proviso:

*Provided, That hereafter when in the opinion of the Secretary of War the change of station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvements, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.*

Mr. WADSWORTH. I think the amendment almost explains itself. The amendment is offered to the title "Mileage of the Army," on page 22. Under the amendment if the Chief of Engineers, with the approval of the Secretary of War, desired to transfer a district engineer, for example, from the South Atlantic district to the Pacific coast and put him to work on a project out there for which he was especially fitted, and the work related solely to a river and harbor improvement, that officer's mileage and transportation allowances could be charged against the appropriation for rivers and harbors rather than being taken out of the appropriation for mileage of the Army. The whole thing would amount to only about \$4,000 or \$5,000 a year.

Mr. FLETCHER. Mr. President, if I may ask the Senator from New York a question I desire to say that I think the amendment is not worded quite properly. The amendment, I think, refers to the transfer being principally in the interest of river and harbor improvements. I desire to amend the amendment so that it shall read "solely in the interest of river and harbor improvements."

Mr. WADSWORTH. The word used in the amendment is "primarily."

Mr. FLETCHER. I think the word should be "solely," and I suggest that amendment.

Mr. WADSWORTH. The difficulty in connection with that suggestion, as I understand it—although I am not certain that I would oppose the suggestion of the Senator from Florida—is that an Engineer officer while assigned to river and harbor work perhaps for one hour in a month might be required to fill out some blanks or make some kind of return to the War Department which did not relate to river and harbor work but that had to do with his status as an officer in the Regular Army; and if we put in the word "solely" it would, I fear, make the amendment quite useless. I think the word "primarily" covers it, and we can trust the Secretary of War to see that it is properly administered. In any event the officer has to be paid, and the question is, Shall he be paid mileage and transportation allowances out of the appropriation "Mileage of the Army" or out of the river and harbor appropriation? I believe in making river and harbor appropriations stand on their own feet.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Mississippi?

Mr. WADSWORTH. I yield.

Mr. WILLIAMS. An officer's mileage and transportation allowances are generally carried, if I am not mistaken, in the military appropriation bill. Is that true?

Mr. SMOOT. Yes.

Mr. WILLIAMS. Then, I see no reason why an officer's mileage and transportation when he is engaged in river and harbor work should not continue to be carried in the military appropriation bill, just as when he is doing any other character of work to which he might possibly be detailed. This can not mean anything except a thrust at the river and harbor bill; that is all.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. BORAH. Mr. President, I am not desiring to present an amendment or anything of that kind, but there is an item in the bill concerning which I should like to have some information. I have a letter here which, perhaps, has been called to the attention of the Senator from New York with reference to the work which the War Department is doing in the way of ferreting out crimes and criminals, and so forth. This letter is under date of October 16, 1922. It is written by W. D. Long, first lieutenant, Seventh United States Infantry, intelligence officer. It says:

DEAR SIR: The intelligence service of the Army has for its primary purpose the surveillance of all organizations or elements hostile or potentially hostile to the Government of this country, or who seek to overthrow the Government by violence.

Then there is another paragraph, explanatory also:

Not only are we interested in these organizations because they have as their object the overthrow of the Government but also because they attempt to undermine and subvert the loyalty of our soldiers.

With the few scattered military posts in this part of the country, it is obviously impossible to cover all points as thoroughly as they should be, hence it is necessary in many cases to trust to the cooperation of law-enforcement officers whose duties and whose knowledge of a particular locality give them a thorough insight into such matters.

What I desire to ask the Senator from New York is: Under what authority of law is this work carried on?

Mr. WADSWORTH. Mr. President, that work is not carried on. The officer who wrote that letter completely misstated the case.

Mr. BORAH. I am glad to know that. I did not know what the facts were.

Mr. WADSWORTH. The thing is very important, and I think we might as well get a clear understanding of it now. The young officer out at Vancouver Barracks was apparently carried away by his enthusiasm, for he certainly has described a state of affairs which does not exist and has not existed since the close of the World War.

In that connection I desire to have put in the RECORD a letter addressed by the Secretary of War to Mr. Samuel Gompers, under date of January 30, together with another letter addressed by the Secretary of War to Mr. W. G. Lee. Mr. Gompers, of course, is the president of the American Federation of Labor, and Mr. Lee is the president of the Brotherhood of Railroad Trainmen. I think it would be well if the letter to Mr. Gompers were read to the Senate now. The letter to Mr. Lee, being practically the same, need not be read; and following that I am going to ask to have put into the RECORD a statement as to just what the Military Intelligence Division does. The first letter I should like to have read.

The VICE PRESIDENT. Without objection, the letter will be read.

The reading clerk read as follows:

WAR DEPARTMENT,  
Washington, January 30, 1923.

Mr. SAMUEL GOMPERS,  
President American Federation of Labor,  
901 Massachusetts Avenue NW., Washington, D. C.

DEAR MR. GOMPERS: It was recently brought to my attention that a young intelligence officer at Vancouver Barracks, Wash., had sent out a circular letter to law-enforcement officials in the vicinity of that post. In this letter it is intimated that the intelligence service of the Army is interested in the American Federation of Labor as an element potentially hostile to the Government of this country. I have since learned that this letter has been printed on page 122 of The Nation of January 31, 1923.

The Military Intelligence Division does not conduct in time of peace any investigations of the nature indicated by the above-mentioned officer. I am sure you will agree with me that the utterly ridiculous assertion that the American Federation of Labor should be considered as an organization having as its object the overthrow of the Government should not even be accorded the dignity of a denial. I have directed a thorough investigation of this matter and propose to apply such corrective and disciplinary measures as may prove to be merited.

I sincerely regret this incident and hope that you will attach to it only the importance which should be given to the thoughtless and immature action of a young man whose enthusiasm has completely dwarfed his judgment and discretion.

Yours very truly,

JOHN W. WEEKS, Secretary of War.

Mr. WADSWORTH. I ask to have the other letter and statement printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,  
Washington, January 30, 1923.

Mr. W. G. LEE,  
President Brotherhood of Railroad Trainmen, Cleveland, Ohio.

DEAR MR. LEE: It has recently come to my attention that the intelligence officer at Vancouver Barracks, Wash., has sent out a circular letter to law-enforcement officials of local communities, intimating that the Military Intelligence Division of the Army is interested in the railroad brotherhoods as elements potentially hostile to the purposes of this Government. This letter was printed on page 122 of the Nation, January 31, 1923.

The Military Intelligence Division conducts no investigations in time of peace of the nature indicated in this young officer's letter. I feel assured that you will agree with me that his assertions are so absurd that the War Department should not accord the dignity of a denial to the suggestion that organized labor is looked upon as a hostile organization. I have directed a thorough investigation of the matter and shall apply such corrective and disciplinary measures as may prove warranted.

I sincerely regret this incident and trust that you will look upon it only as the immature action of a young man whose enthusiasm has completely dwarfed his judgment.

Yours very truly,

JOHN W. WEEKS,  
Secretary of War.

#### STATEMENT OF SECRETARY OF WAR GIVEN TO PRESS ON INCIDENT AT VANCOUVER BARRACKS, WASH.

It having recently come to the attention of the Secretary of War that the unauthorized activities of subordinate officers have in a few isolated instances occasioned the possibility of a public misunderstanding of the proper function of military intelligence in time of peace, he has directed the publication of the following statement:

The surveillance of domestic organizations or groups is not at all the purpose of the Military Intelligence Division, the authorized activities of which are clearly set forth in Army Regulations, 10-15, as follows:

"The Military Intelligence Division is charged, in general, with those duties of the War Department General Staff which relate to the collection, evaluation, and dissemination of military information.

"The Military Intelligence Division is specifically charged with the preparation of plans and policies and the supervision of all activities concerning—

- "(1) Military topographical surveys and maps.
- "(2) The custody of the General Staff map and photograph collection.
- "(3) Military attachés, observers, and foreign-language students.
- "(4) Intelligence personnel of all units.
- "(5) Liaison with other intelligence agencies of the Government and with duly accredited foreign military attachés and missions.
- "(6) Codes and ciphers.
- "(7) Translations.
- "(8) Relations with the press.
- "(9) Censorship in time of war."

During the World War our widespread military interests necessitated special measures which resulted in authority being given for the Military Intelligence Division to conduct investigations of far-reaching character. During the period of demobilization and contraction of the Military Establishment to a normal peace-time basis activities of this nature were transferred as rapidly as seemed practicable to the proper civil agencies.

Not only have the instructions which were in effect for the operation of the military intelligence service during the war and shortly thereafter been rescinded, but repeatedly since that time instructions have been issued emphasizing the fact that the military authorities are expressly prohibited from making investigations in time of peace other than within the Military Establishment.

The following paragraphs quoted from the above-mentioned instructions indicate the intention of the War Department:

"At certain posts and stations along the coasts and frontiers where information in connection with actual or theoretical plans of defense is required, the necessity for intelligence officers is clear. It is also



necessary to appoint the intelligence officers prescribed by the tables of organization and to employ them in training their personnel in combat intelligence. But it is no longer necessary to have intelligence officers at all posts and stations in the United States, as the conditions requiring their employment have long ceased to exist.

"With the foregoing in mind, a corps area commander will appreciate the necessity for giving his personal attention to seeing that his staff are correctly oriented as to intelligence work in general and as to its extremely limited application to domestic affairs. It is a case of not only revoking obsolete orders and instructions but of guiding such intelligence officers as are retained to a correct mental conception of the duties of military intelligence within the United States."

Mr. BORAH. Mr. President, as I understand the matter now, no such work is being done?

Mr. WADSWORTH. None at all.

Mr. BORAH. With reference to the American Federation of Labor or any other organization?

Mr. WADSWORTH. Or any other.

I think, Mr. President, in order that that matter may be made perfectly clear, that I ought to read a few very short paragraphs from a statement issued by the Secretary of War on this incident:

It having recently come to the attention of the Secretary of War that the unauthorized activities of subordinate officers have in a few isolated instances occasioned the possibility of a public misunderstanding of the proper function of military intelligence in time of peace, he has directed the publication of the following statement:

The surveillance of domestic organizations or groups is not at all the purpose of the Military Intelligence Division, the authorized activities of which are clearly set forth in Army Regulations, 10-15, as follows:

"The Military Intelligence Division is charged, in general, with those duties of the War Department General Staff which relate to the collection, evaluation, and dissemination of military information.

"The Military Intelligence Division is specifically charged with the preparation of plans and policies and the supervision of all activities concerning:

- "(1) Military topographical surveys and maps.
- "(2) The custody of the General Staff map and photograph collection.
- "(3) Military attachés, observers, and foreign-language students.
- "(4) Intelligence personnel of all units.
- "(5) Liaison with other intelligence agencies of the Government and with duly accredited foreign military attachés and missions.
- "(6) Codes and ciphers.
- "(7) Translations.
- "(8) Relations with the press.
- "(9) Censorship in time of war."

That covers all the duties of military intelligence in time of peace.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. WADSWORTH. Mr. President, I happen to know of some other amendments which Senators desire to offer. I hope they can arrange to offer them now. To-morrow we are to have a discussion on at least two amendments the proposers of which, I understand, are not ready to discuss them this afternoon.

Mr. HARRELD. Mr. President, I send to the desk an amendment which I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On line 15, page 38, after the word "hospital," it is proposed to add the words:

and \$20,000 to build a heating plant for that part of the fort used by the School of Fire.

Mr. HARRELD. Mr. President, this amendment proposes to reinsert in the bill an appropriation which was recommended by the Bureau of the Budget. Within the last year the several schools of fire, so-called, that were located at various forts in the United States have been consolidated at Fort Sill, Okla., and they are occupying a part of the barracks there. It is a very important function of the War Department. I visited the fort myself some time ago and visited this department. The buildings in which the School of Fire is conducted are not equipped with steam heat. They are heated by stoves, and the danger of fire is enormous. If a fire were to occur in those buildings to-day, the loss to the United States would be a million dollars or more, and yet they are there in this exposed condition. The Budget Bureau, realizing this, recommended that \$20,000 be appropriated to put in a heating plant by which these buildings could be heated by steam, but, for some reason, the House saw fit to leave it out and the Senate likewise. My amendment proposes to reinsert that item in the bill.

By way of explanation, I may say that the School of Fire trains mechanics so that they may keep the airplanes in condition in time of war, keep the automobiles in condition in time of war, keep the cannon and mountings of the cannon in condition, and so forth. It trains men in those particular lines of a technical character. In order to train those men they have a lot of high-priced equipment, a lot of high-priced tools, a lot of high-priced machinery, which they tear down and rebuild in teaching these boys how to manipulate machinery and handle machinery and repair machinery. This is a very neces-

sary adjunct of the War Department; and it is to avoid any possibility of loss by reason of fire that I am urging that this amendment be adopted.

I offer the amendment and ask for its adoption.

Mr. WADSWORTH. Mr. President, it is true, as the Senator from Oklahoma says, that this item was contained in the Budget estimate and that it was left out by the House and left out by the Senate Committee on Appropriations. There is no doubt that this item and about seven others looking toward providing for new construction or new equipment at various Army stations and forts are desirable. The committee, in calculating the total of the bill and in examining a considerable number of new construction projects suggested by the Budget estimate, made up its mind that it could not possibly adopt them all and ask the Senate to pass the bill with such largely increased totals; so this item for the heating system at Fort Sill, as well as an item for continuing construction at Fort Sam Houston, an item for new construction at Fort Myer, Va., across the river here, half a dozen items for new construction at Hawaii, and two or three items for new construction in Panama have been necessarily left out. As I said upon a former occasion, the bill has been turned lopsided by the vast increase in the river and harbor appropriation; and that increase, in the judgment of the committee, makes impossible for the time being the granting of these new construction projects in the Army itself.

Mr. HARRELD. Mr. President, may I ask the Senator a question?

Mr. WADSWORTH. Certainly.

Mr. HARRELD. Are any of the other things that the Senator mentions in imminent danger of fire, as the buildings of this School of Fire are?

Mr. WADSWORTH. Yes, Mr. President; in several ways the Government is in grave danger of losing property, either by absolute destruction or by deterioration. For example, in the Hawaiian Islands we have \$7,000,000 worth of stores lying mostly in the open, covered by tarpaulins or temporary shack-like sheds, exposed in a tropical climate. Last year we appropriated for six storehouses. They have been built. This bill carries an appropriation for six more. The department wanted 18 more. We simply have not the money. At Panama there is grave need for storage to shelter Army property in connection with the Panama defenses. At one side of the Isthmus there is no storage, and the Government property is wasted in constantly being transported across the Isthmus for use at both ends of the line. At Camp Eustis, Va., we have a regiment of Infantry living in the war-time cantonments, run up with matches and glue. The Senator knows what they are like—probably the same type of buildings in which this School of Fire is housed at Fort Sill.

Mr. HARRELD. No; the buildings are all right there.

Mr. WADSWORTH. The buildings at Camp Eustis are of the typical cantonment type. If they catch fire, and there is any wind blowing, the whole thing will go, and the whole regiment will be out of shelter, and probably most of its equipment will be lost.

The Fort Myer project was to take care of that situation for building permanent quarters at Fort Myer, but the committee thought we could not allow all these requests. Every one of them is desirable. The request made by the Senator is absolutely reasonable, but when we got the bill up to the point where it was \$21,000,000 above the Budget estimate the committee was forced to make up its mind to refuse some of them.

Mr. HARRELD. I would like to ask the Senator if he does not think that is poor business?

Mr. WADSWORTH. I think it is poor business.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 106, line 12, after the numerals "\$56,589,910" and before the period, insert the following proviso:

Provided, That no part of that sum shall be expended for improvements on the Missouri River between St. Louis and Kansas City, Mo.

Mr. KING. Mr. President—

Mr. WADSWORTH. Is debate in order?

The VICE PRESIDENT. Debate is not in order on the river and harbor item. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was rejected.



Mr. WADSWORTH. I ask unanimous consent that when the Senate finishes its business this afternoon it recess until 12 o'clock to-morrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, I send to the desk and ask the Secretary to read the notice of an amendment of the rules which I send to the desk.

The VICE PRESIDENT. The Secretary will read the notice. The reading clerk read as follows:

Pursuant to the provisions of Rule XL of the Standing Rules of the Senate I hereby give notice in writing that I will move to suspend paragraph 3 of Rule XVI for the purpose of offering to the Army appropriation bill (H. R. 13793) the following amendment:

At the proper place insert the following: "That the President is authorized and requested to invite the Governments with which the United States has diplomatic relations to appoint representatives to a conference to be held in the city of Washington, which shall be charged with the consideration of the causes and purposes of present military and naval expenditures, and the formulation of measures for the reduction of land and naval armaments, for the improvement of industry and commerce, the assurance of public order, and the promotion of peace throughout the world."

Mr. STERLING. I offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 10, line 5, after the word "each," strike out all down to and including the word "regulations," in line 9 on said page.

Mr. STERLING. The language proposed to be stricken out by this amendment is as follows:

*Provided further, That hereafter civilians employed in the hostess and library services and paid from the appropriation for military post exchanges may be appointed by the Secretary of War without reference to civil-service rules and regulations.*

I see no reason why these civilian employees, though connected with the Army service, should not be required to come under the civil-service rules. It would seem quite appropriate, indeed, that librarians, those who have the handling of the libraries at these posts, should be qualified, and their qualifications and fitness tested by open competitive examinations, the same as other civilian employees of the Government.

I want to say further that if in the case of any hostess at any post it is desirable that the civil-service rules relative to competitive examinations be waived, the President has the authority under the civil service law to waive the rules and make the appointment notwithstanding. There is no need that I can see of exempting either of these positions from the civil-service rules. I want to say that a like paragraph in the last Army appropriation bill contained no provision exempting these particular classes of employees from civil-service examinations, and I see no reason why this bill should contain an exemption clause. I think the proviso should be stricken out.

Mr. WADSWORTH. Mr. President, I hope the motion of the Senator from South Dakota will not prevail. The employees in the hostess houses of the Army, so called, who are very few in number, and the librarians, are women, I think all of them women who accompanied troops during the war with Germany and engaged in the so-called welfare activities. They are experienced along these lines. The character of work which they have to do in Army posts and camps in running the hostess houses, which are the equivalent of clubs, at which the relatives and visitors of the soldiers may be received and made comfortable, and in the libraries where the soldiers come and go, taking out books, and where they are guided somewhat in their reading, is unlike the work done by anybody else among the civilian employees of the Government. I doubt if any civil-service examination could possibly determine whether an applicant for such a place was fit.

These women are very carefully selected from among those who have had this experience. I think there are only 30 of them left. If there are any more than that, it is very few. I do not believe civil service should apply to them. It has not applied in the past. The examinations which they have had to take have been made up by the supervisor of the service under the approval, of course, of the commanding officers and the Secretary of War. The thing has been running beautifully, and there has not been a complaint against it. These women have performed a splendid service. They are highly respected by the officers and enlisted men with whom they come in contact every day, and I can see no reason for subjecting this little service to the rules and regulations of the National Civil Service Commission.

Mr. STERLING. Mr. President, just a word in reply. I think the Civil Service Commission itself would be very well qualified to ascertain the duties and responsibilities of even hostesses at these various posts, and could frame examination questions accordingly and apply civil-service rules accordingly.

With reference to that, if it is thought desirable that any one of these hostesses, or all of them, should be exempt from civil-service examination, the President of the United States can waive the civil-service rules which would require such an examination. He is expressly authorized to do that. But it seems to me that there are good reasons for requiring the librarians to take the examinations. A man who is to take the place of a librarian ought to know something about books, about handling books, about the needs and tastes of those who call for books. He ought to be something of a guide and a director to those who seek to avail themselves of the libraries. I think this amendment ought to prevail. Where there is no good reason for the exemption, I do not like to see the civil-service requirements set aside. Wherever there are civilian employees, unless good reasons are shown to the contrary, those employees ought to be subject to civil-service rules. I hope the amendment will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. McKELLAR. Mr. President, on page 3, line 1, I move to strike out "\$840" and to insert in lieu thereof "\$1,140," in order to equalize the salaries of these employees with the salaries paid similar employees in the Navy Department. I believe I understood the Senator from New York to say he has no objection to the amendment. I will ask the Secretary to report the amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, line 1, after the words "13 telephone switchboard operators, at," strike out "\$840" and insert in lieu thereof "\$1,140."

Mr. SMOOT. I do not think that should be adopted as an amendment to this bill.

Mr. WADSWORTH. I assured the Senator from Tennessee that I would not raise the point of order, for this reason, that we have an intolerable situation in the joint telephone exchange of the War and Navy Departments. The telephone operators working for the Navy Department and sitting at the same switchboards alongside the War Department operators are paid, as I recollect, about \$400 or \$500 a year more than the War Department operators.

Mr. McKELLAR. Three hundred dollars more. The War Department operators are paid \$840, while the Navy Department operators are paid \$1,140.

Mr. WADSWORTH. I overstated it. It is \$300 more.

Mr. McKELLAR. I understand that in the reclassification this matter will be taken care of, and I suggest that we make the salaries the same this year, and let the committee handling the reclassification determine what is a fair salary.

Mr. SMOOT. Mr. President, there are a great many switchboard operators drawing \$840 a year. That matter will be regulated as soon as the reclassification bill is enacted into law, which I expect will be the case before the close of the present session of Congress. In fact, I am quite sure it will pass. Therefore I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is well taken.

Mr. McKELLAR. I wish to give notice of a motion to suspend the rules and reoffer the amendment to-morrow.

The VICE PRESIDENT. The notice will be read.

The Assistant Secretary read as follows:

Pursuant to rule 40 of the standing rules of the Senate, I hereby give notice that I shall move to suspend paragraph 3 of rule 16, for the purpose of proposing to H. R. 13793 the following amendment: On page 3, line 1, to strike out "\$840" and insert "\$1,140."

Mr. BROOKHART. Mr. President, on page 73, line 20, I move to strike out the numerals "\$100" and to insert in lieu thereof "\$40,000."

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 73, line 30, under the heading of "Ordnance equipment for rifle ranges for civilian instruction," the Senator from Iowa proposes to strike out "\$100" and in lieu thereof to insert "\$40,000."

Mr. JONES of Washington. Mr. President, I wish to state to the Senator that the committee took care of the rifle-practice proposition and went, I thought, considerably above the Budget estimate. On the trophy matter we also raised the amount, because of the information which the Senator gave before the committee. But the proposition now presented by the Senator has not been estimated for and was not reported by the committee. I think the committee feel that the amount should not be increased. I am constrained, therefore, to make a point of order against the amendment on the ground that it was not estimated for and not reported by a standing committee.

The VICE PRESIDENT. The point of order is well taken.



## EXECUTIVE SESSION.

Mr. WADSWORTH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

FRED G. LEITH.

Mr. GERRY. From the Committee on Naval Affairs I report back favorably without amendment the bill (H. R. 855) for the relief of Fred G. Leith, United States Navy, and I submit a report (No. 1116) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER (Mr. Moses in the chair). Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

*Be it enacted, etc.,* That the service rendered by Fred G. Leith, United States Navy, in the Army of the United States during the World War shall be considered as if rendered in the Navy of the United States for all purposes connected with continuous service in the Navy of the United States, and that the Secretary of the Navy be, and he is hereby, authorized and directed to cause the records of the said Fred G. Leith in the Navy Department to be corrected to conform with this authorization, to the end that the said Fred G. Leith shall be entitled to all pay, benefits, and emoluments conferred by law or regulation for continuous service in the Navy of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## LANDS IN SISKIYOU COUNTY, CALIF.

Mr. SHORTRIDGE. I ask unanimous consent for the present consideration of the bill (S. 3892) authorizing the State of California to bring suit against the United States to determine title to certain lands in Siskiyou County, Calif.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments.

The amendments were, on page 1, line 3, after the word "That," to strike out "in any suit" and insert "consent is hereby given that a suit or suits may be"; and on page 2, at the end of line 11, after the numerals "1905," to insert "and in any such suit," so as to make the bill read:

*Be it enacted, etc.,* That consent is hereby given that a suit or suits may be instituted by or in behalf of the State of California in the Supreme Court of the United States to determine the right, title, and interest of such State to certain lands in Siskiyou County, Calif., alleged to have been ceded by such State to the United States by act of the Legislature of the State of California entitled "An act authorizing the United States Government to lower the water levels of any or all of the following lakes: Lower or Little Klamath Lake, Tule or Rhett Lake, Goose Lake, and Clear Lake, situated in Siskiyou and Modoc Counties, and to use any part or all of the beds of said lakes for the storage of water in connection with the irrigation and reclamation operations conducted by the Reclamation Service of the United States; also ceding to the United States all the right, title, interest, or claim of the State of California to any lands uncovered by the lowering of the water levels of any or all of said lakes not already disposed of by the State," approved February 3, 1905, and in any such suit the right, title, and interest of such State and of the United States may be fully tested and determined if the Secretary of the Interior is made a party to such suit.

Upon the request of such Secretary the Attorney General of the United States is authorized and directed to defend the right, title, and interest of the United States to such land or any part thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## RECESS.

Mr. JONES of Washington. I move that the Senate take a recess in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 5 o'clock and 19 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Friday, February 9, 1923, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate February 8 (legislative day of February 5), 1923.*

## UNITED STATES MARSHAL.

Martin Brown, of Michigan, to be United States marshal, western district of Michigan, vice Herman O'Connor, resigned, effective March 1, 1923.

## REGISTERS OF THE LAND OFFICE.

Mrs. Eva A. Brittain, of Colorado, to be register of the land office at Leadville, Colo.;

Frank P. Light, of Oregon, to be register of the land office at Lakeview, Oreg.; and

Elsie K. Fritts, of Washington, to be register of the land office at Waterville, Wash.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 8 (legislative day of February 5), 1923.*

## POSTMASTERS.

## CALIFORNIA.

Daniel G. Thomas, Colton.

## IOWA.

Glen C. Briggs, Brandon.  
Mayme A. Kneeland, Clermont.  
Cornelius A. Rubly, Elma.  
Albert E. Fentress, Greeley.  
Smiley B. Hedges, Kellerton.  
Otho O. Yoder, West Branch.  
Charles F. Chambers, West Union.

## KANSAS.

Lewis Pickrell, Minneapolis.

## MASSACHUSETTS.

John C. Angus, Andover.  
Erastus T. Barse, Chatham.  
Merritt C. Skilton, East Northfield.  
Herbert W. Damon, Framingham.  
Sadie G. Donahue, Huntington.  
Thomas Fiske, Ludlow.  
Elmer E. Landers, Oak Bluffs.  
Robert M. Lowe, Rockport.  
George Hall, Smiths.  
Amasa W. Baxter, West Falmouth.

## MICHIGAN.

Josephine O'Leary, Carrollton.  
William C. Thompson, Midland.

## OHIO.

Charles C. McMaken, Covington.  
Herbert E. Whitney, Danville.  
William M. Carlisle, Gambier.

## TENNESSEE.

Frances S. Pickering, Carthage.  
Clarence E. Locke, Ethridge.  
Merle Morgan, Graysville.  
Willis F. Arnold, Jackson.  
Harold T. Hester, Portland.

## TEXAS.

Charles J. Hostrasser, Hearne.  
Daniel B. Gilmore, McGregor.

## UTAH.

Ralph Guthrie, Salt Lake City.  
Alfred L. Hanks, Tooele.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 8, 1923.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We bless Thee, our Father in heaven, that the tabernacle of God is with men and within its folds we have a refuge in every time of need. O in a world of so many stricken hopes we thank Thee for the shadow and the shelter of the Most High! Lead us to believe that there is instruction, discipline, and blessing in faithfulness to duty. O let us care for our characters. May not failure nor weakness mar the beauty and the force of the fine qualities of manhood. As we abide in Thy mercy, may we trust Thee, obey Thee, and honor Thee, through Christ, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

## PERSONAL PRIVILEGE.

Mr. HERRICK. Mr. Speaker, I rise to a question of personal privilege, and base it on an article which I send to the Clerk's desk.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. Will the gentleman wait until some unanimous requests of Members can be considered?

Mr. HERRICK. I withhold it for that long and no longer.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. HOCH, for three days on account of illness.

Mr. KINDRED, indefinitely on account of illness.

Mr. RAMSEYER, for eight days on account of sickness in family.

Mr. SIEGEL, for five days on account of sickness in family.

The SPEAKER. The gentleman from Oklahoma rises to a question of personal privilege. The Chair will first recognize the gentleman from Kansas.

Mr. LITTLE. If the Chair will permit, I want to ask leave to extend my remarks by printing a couple of little editorials, one from the Outlook of January 31, 1923, one from the American Economist of February 2, 1923, and a letter from John H. Wigmore of January 15, 1923.

The SPEAKER. Is there objection?

Mr. STAFFORD. On what subject?

Mr. LITTLE. On my code.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The editorials and letter are as follows:

[The Outlook, January 31, 1923.]

## LITTLE'S BIG BOOK.

Citizens who are not lawyers will be surprised to learn that there has been no digest and codification of Federal laws since 1878. Never before has such a time elapsed in the publishing of a compendium of Federal laws, nor have any of the States (with one single exception) allowed their statutes to go uncoded for 25 years. Every lawyer knows what a tedious and intricate piece of work it is to find out what the law of the United States is on any given topic. There has been a general and definite demand for some recognized and authoritative work of the kind needed.

Now, Mr. EDWARD C. LITTLE, of Kansas, who is chairman of the Committee on Revision of the Laws for the House of Representatives, has completed such a work and the House has twice approved of the book as valuable and needed. The Senate, however, for some reason or other, seems to hang fire on this matter, although a high authority in legal literature, Dean Wigmore, of Northwestern University, has declared: "The state of things has now become intolerable. Since the completion of your draft revision the failure to act has become a disgrace on the part of Congress. The shame of leaving the Federal laws in this condition is no longer excusable on any ground."

To-day, if anyone wants to know precisely what the Federal statute law is on any individual point, he can not be sure that he is right until he has examined minutely 36 volumes of statutes. He is lucky if he finds what he wants even then, for many enactments on individual points are hidden away in appropriation bills or under other misleading titles, and even the most accurate and painstaking of indexers of the 36 volumes may easily overlook some reference which might be pounced upon greedily by a contesting attorney.

There are many things which ought to be done in the few weeks remaining of the present session of Congress. It is to be hoped that this greatly needed piece of legislation will not be neglected.

[The American Economist, February 2, 1923.]

## CODIFICATION OF UNITED STATES STATUTES.

One of the most important bills pending in Congress, if not the most important of all, is H. R. 12, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919. This bill should be so amended as to include all laws in force on March 4, 1923, so as to bring the codification of United States statutes up to date.

We can not see why this bill for the codification of laws of a permanent character has not been passed before, unless, indeed, there is some truth in the suggestion which has been advanced that the delay has been due to the opposition of law-book publishing houses.

The United States Statutes at Large cover a lot of "dead wood"—that is, laws which have been repealed and are no longer in force and laws which are of a temporary nature, and hence not now applicable. The multiplicity of such out-of-date laws is confusing, even to practicing lawyers. It is necessary to scan a number of volumes to ascertain if any given law is now in force or has been repealed. A single "slip" in such scanning is likely to give rise to needless confusion, loss, and delay. It is in every way desirable that the laws now in force shall be gathered together in one volume and that all laws not in force shall be omitted from such volume.

The said bill includes the codification of all the said laws in force up to March 4, 1919, and has been most carefully prepared under the direction of the House Committee on Revision of the Laws, of which Hon. EDWARD C. LITTLE, of Kansas, is chairman. Although the said codification has been most carefully scanned since it was first introduced, no errors therein have been discovered.

We sincerely hope and earnestly urge that this valuable contribution to our laws be enacted into law. There is everything to be said in favor of such action and no good reason to be urged against it.

JANUARY 15, 1923.

Hon. RICHARD P. ERNST,  
Senate Chamber, Washington, D. C.

MY DEAR SENATOR ERNST: I have been very hopeful that the Senate would proceed to the prompt enactment of the new United States code passed by the House a year ago last May. During the past year I have used the copy of it in preparing a new edition of my Treatise on Evidence, and have been through every page of the work and find it entirely satisfactory. For 20 months it has lain in the hands of your committee.

Is there any reason you care to give explaining the delay?

Very truly yours,

JOHN H. WIGMORE.

The SPEAKER. The gentleman from Oklahoma will state his question of privilege.

Mr. HERRICK. I base it on the slanderous and libelous article from the Washington Herald of February 6, which I

send to the Clerk's desk and ask to be read, and then I want to address the House in denial thereof and at the conclusion of my remarks ask for a vote.

The SPEAKER. Does the article libel the gentleman in his personal or representative capacity?

Mr. HERRICK. Well, principally representative, for the reason that I went at 11 o'clock on the 5th and warned them not to publish the article, and they scoffed at me and the whole Congress and told me that they did not care about me or any Congressman or the whole Congress put together, or what I did or Congress to the contrary. In other words, they thought they were bigger than Congress.

The SPEAKER. Of course, the statement does not—the Chair will look at the article if the gentleman will send it to the Chair. [After examining the article.] The Chair very clearly thinks that this simply criticizes the gentleman personally.

Mr. HERRICK. I consider it is an insult to the House of Representatives of the United States, and I think, owing to the contempt that this paper has expressed toward the House, it is up to the House to take action.

The SPEAKER. The Chair does not see anything in it attacking the House or attacking the gentleman in his representative capacity.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

Mr. HERRICK. They simply intimate they have no respect for the House of Representatives.

The SPEAKER. This paper does not—

Mr. HERRICK. I understand they say that in defiance of warning to the contrary.

Mr. CLARK of Florida. Can not we have the article read to the House? [Cries of "No!" and "Regular order!"]

The SPEAKER. The Chair thinks the gentleman does not bring himself within the rule, and the Chair does not see that any question of personal privilege is raised.

## CONFERENCE REPORT, POST OFFICE APPROPRIATION BILL.

Mr. MADDEN. Mr. Speaker, I call up the conference report on the Post Office appropriation bill.

The SPEAKER. The Clerk will report the conference report. The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 12, and 13.

C. B. SLEMP,  
MARTIN B. MADDEN,  
CHAS. F. OGDEN,  
EDWARD T. TAYLOR,  
C. D. CARTER,

Managers on the part of the House.

CHAS. E. TOWNSEND,  
THOMAS STERLING,  
LAWRENCE C. PHIPPS,  
KENNETH MCKELLAR,

Managers on the part of the Senate.

## STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 13593) making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

On No. 7: Strikes out the language, inserted by the Senate, relative to the carrying of foreign mail on American steamships.

On No. 12: Strikes out the language, inserted by the Senate, providing for the continuance of the Joint Postal Commission until June 30, 1924.

On No. 13: Corrects section number.

C. B. SLEMP,  
MARTIN B. MADDEN,  
CHAS. F. OGDEN,  
EDWARD T. TAYLOR,  
C. D. CARTER,

Managers on the part of the House.



Mr. MADDEN. Mr. Speaker, I ask for a vote.

The question was taken, and the conference report was agreed to.

AMENDING SECTION 100, JUDICIAL CODE OF THE UNITED STATES.

Mr. CABLE. Mr. Speaker, I ask to take from the Speaker's table the bill H. R. 10817 and agree to the Senate amendments.

The SPEAKER. The gentleman from Ohio asks to take from the Speaker's table the bill with Senate amendments, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10817) to amend section 100 of the Judicial Code of the United States.

The Senate amendments were read.

The question was taken, and the Senate amendments were agreed to.

ORDER OF BUSINESS.

Mr. SNELL. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. SNELL. I desire to present a privileged report from the Committee on Rules.

The SPEAKER. For the consideration of a bill?

Mr. SNELL. Yes, sir.

The SPEAKER. The Chair thinks there is before the House the unfinished business of Tuesday, which comes up under a rule, and the Chair thinks he ought to recognize the gentleman from Pennsylvania, the chairman of the Committee on Foreign Affairs.

Mr. HERRICK. Mr. Speaker, I make the point of order of no quorum.

Mr. SNELL. May I make a statement for a minute?

The SPEAKER. Does the gentleman from Oklahoma withhold for a moment?

Mr. HERRICK. I will.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SNELL. Mr. Speaker, I would like to have some definite understanding as to when I shall call up this matter. It is in reference to the migratory bird act. I have had it for several months, there have been several agreements as to the time for calling it up, and I would like to know when the Speaker will recognize me for that purpose?

Mr. GARRETT of Texas. Mr. Speaker, the gentleman from Oklahoma made a point of no quorum. The gentleman from New York [Mr. SNELL] can not proceed under the rules in the absence of a quorum.

The SPEAKER. The gentleman withdrew it temporarily. The Chair will state, in answer to the gentleman from Texas, that the Chair intends to recognize the gentleman from Oklahoma presently.

Mr. HERRICK. I merely withheld it. I make the point of no quorum. [Laughter.]

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Dominick	Jacoway	Maloney
Ansorge	Drane	Jeffers, Ala.	Mansfield
Appleby	Dunbar	Johnson, Miss.	Michaelson
Atkeson	Dunn	Johnson, S. Dak.	Mills
Blakeney	Dyer	Jones, Pa.	Moore, Ill.
Boles	Fairfield	Kahn	Morin
Bond	Faust	Keller	Mott
Bowers	Fish	Kelley, Mich.	Mudd
Brennan	Focht	Kendall	Murphy
Britten	Foster	Kennedy	Newton, Mo.
Brooks, Pa.	Frear	Kindred	O'Brien
Bulwinkle	Free	King	O'Connor
Burdick	Freeman	Kirkpatrick	O'Pip
Burke	French	Kitchin	Osborne
Burton	Prothingham	Klecza	Overstreet
Butler	Gahn	Kline, N. Y.	Paige
Carew	Garner	Knight	Park, Ga.
Carter	Gensman	Kraus	Parker, N. Y.
Chandler, N. Y.	Gilbert	Kreider	Paul
Chandler, Okla.	Goodykoontz	Kunz	Perlman
Classon	Gorman	Larson, Minn.	Petersen
Clouse	Gould	Lee, N. Y.	Radcliffe
Codd	Graham, Pa.	Lehlbach	Rainey, Ala.
Connally, Tex.	Greene, Vt.	Lineberger	Ransley
Connolly, Pa.	Henry	Logan	Reber
Crago	Hicks	McArthur	Reed, W. Va.
Crowther	Hoch	McDuffie	Riddick
Cullen	Hogan	McFadden	Riordan
Davis, Minn.	Hooker	McLaughlin, Nebr.	Robertson
Davis, Tenn.	Huck	McLaughlin, Pa.	Rodenberg
Dempsey	Hutchinson	McPherson	Rose

Rosdale  
Ryan  
Scott, Mich.  
Scott, Tenn.  
Shreve  
Siegel  
Smith, Mich.  
Stiness

Stoll  
Strong, Pa.  
Sullivan  
Tague  
Taylor, Ark.  
Taylor, Colo.  
Taylor, N. J.  
Ten Eyck

Thomas  
Thompson  
Treadway  
Vinson  
Volk  
Walters  
Wason  
Watson

Webster  
Wheeler  
Winslow  
Wise  
Wood, Ind.  
Woodyard  
Yates  
Zihlman

The SPEAKER. On this vote 271 Members have answered to their names. A quorum is present.

Mr. PORTER. Mr. Speaker, I ask unanimous consent to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to dispense with further proceedings under the call. Is there objection?

There was no objection.

The SPEAKER. The Doorkeeper will open the doors.

Mr. BLANTON. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. BLANTON. I submit, Mr. Speaker, that any untrue statement about a Member published in the public press—

Mr. SANDERS of Indiana. Mr. Speaker, a point of order. I make the point of order that the gentleman can not rise to a question of the privileges of the House without offering a resolution or something.

Mr. BLANTON. I am going to offer something that represents the privileges of the House, a question of privilege which requires no resolution.

Mr. SANDERS of Indiana. Mr. Speaker, I make that point of order.

The SPEAKER. The Chair sustains the point of order made by the gentleman from Indiana. The gentleman from Pennsylvania [Mr. PORTER] is recognized.

Mr. BLANTON. Mr. Speaker, I rise to a question of privilege of the whole House.

The SPEAKER. The gentleman stated that before, and the Chair has overruled it.

Mr. BLANTON. Does the Speaker hold that it has ceased to be a privilege for a Member of this House to raise a question of privilege?

The SPEAKER. The Speaker sustains the point of order made by the gentleman from Indiana [Mr. SANDERS].

Mr. BLANTON. I appeal from the decision of the Chair, Mr. Speaker, and make the point of order that the gentleman from Oklahoma [Mr. HERRICK] had raised a question of privilege.

Mr. PORTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 13880.

Mr. BLANTON. I make the point of order that the gentleman from Oklahoma [Mr. HERRICK] has raised a question of personal privilege by submitting to the Speaker a document which shows that he has been brought into ridicule by the press.

The SPEAKER. That is a different question. The gentleman is shifting his ground.

Mr. BLANTON. I make the point of order that the gentleman from Oklahoma [Mr. HERRICK], who is a Member of Congress, and has some rights here, has submitted to the Speaker a document which I hold in my hand, which he claims to be untrue, and which has brought not only him into ridicule but the membership of the House.

The SPEAKER. The Chair would like the gentleman to state wherein it has brought the membership of the House into ridicule.

Mr. BLANTON. The gentleman from Oklahoma states that these statements are absolutely unfounded and without basis. Here are the press headlines:

Herrick sued by Follies beauty, etc. Rival wrecks Herrick's new love romance. Now he styles himself the spark-plug lover and employs sleuths to get even. Bigger fish in the sea. Dare-devil Congressman, jilted by Miss Nettie Morrison, clerk at Veterans' Bureau.

Mr. MONDELL. Mr. Speaker, I call for the regular order.

Mr. BLANTON. I am stating facts which constitute a privilege of a Member of this House, and you can not sidetrack it. He has got rights here, and you can not down him. I am not responsible for his being here; but, being here, he has rights. [Applause.]

The SPEAKER. Any Member of Congress has the right to raise the question of privilege of the House. Any gentleman has the right to raise the question of his own privilege, but the Chair is not aware of any precedent where one gentleman can rise to a question of personal privilege respecting another gentleman.

Mr. BLANTON. But a Member can rise to a point of order, where the privileges of the House have been denied another Member in the House.

Mr. SANDERS of Indiana. Mr. Speaker, I make the point of order that the gentleman's point of order comes too late in that transaction. That is past. He can not now interpose a point of order with reference to a transaction that happened five minutes before.

Mr. BLANTON. The point of no quorum was made by Mr. HERRICK immediately after the ruling, so there has been no other business transacted.

The SPEAKER. The gentleman is mistaken in that.

Mr. MONDELL. The Chair has held that the article does not affect the gentleman from Oklahoma in his representative capacity, and therefore there is no question of privilege presented.

Mr. BLANTON. The article brings ridicule upon the Congress of the United States and upon the whole House of Representatives in particular.

Mr. SANDERS of Indiana. With reference to that the gentleman must offer a resolution.

The SPEAKER. The Chair sustains the point of order of the gentleman from Indiana [Mr. SANDERS] and overrules the point of order of the gentleman from Texas.

Mr. BLANTON. I appeal from the decision of the Chair. I want to see if the gentleman from Oklahoma [Mr. HERRICK] has any rights.

Mr. MONDELL. I move to lay that appeal upon the table.

The SPEAKER. The gentleman from Texas appeals from the decision of the Chair, and the gentleman from Wyoming moves to lay the appeal on the table.

The question being taken, the motion of Mr. MONDELL was agreed to.

Accordingly the appeal was laid on the table.

#### FOREIGN SERVICE OF THE UNITED STATES.

On motion of Mr. PORTER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, with Mr. SANDERS of Indiana in the chair.

The CHAIRMAN. The Clerk will continue the reading of the bill from the point where he stopped on Tuesday.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 7. That on the date on which this act becomes effective the Secretary of State shall certify to the President, with his recommendation in each case, the record of efficiency of the several secretaries in the Diplomatic Service, consuls general, consuls, vice consuls of career, consular assistants, interpreters, and student interpreters then in office, and shall, except in cases of persons found to merit reduction in rank or dismissal from the service, recommend to the President the reappointing, without further examination, of those then in office as follows:

Secretaries of class 1 designated as counselors of embassy and consuls general of classes 1 and 2 as foreign service officers of class 1.

Secretaries of class 1 designated as counselors of legation and consuls general of class 3 as foreign service officers of class 2.

Secretaries of class 1 not designated as counselors, consuls general of class 4, and consuls general at large as foreign service officers of class 3.

Secretaries of class 2, consuls general of class 5, and consuls of classes 1, 2, and 3 as foreign service officers of class 4.

Consuls of class 4 as foreign service officers of class 5.

Secretaries of class 3 and consuls of class 5 as foreign service officers of class 6.

Consuls of class 6 as foreign service officers of class 7.

Secretaries of class 4 and consuls of class 7 as foreign service officers of class 8.

Consuls of classes 8 and 9 as foreign service officers of class 9.

Vice consuls of career, consular assistants, interpreters, and student interpreters as foreign service officers, unclassified.

Mr. STAFFORD. Mr. Chairman, I wish the gentleman having the bill in charge would give to the House a statement of the increases in the salaries in these respective grades of secretaries and consuls that will be provided by this section.

Mr. ROGERS. If the gentleman will turn to the hearings at pages 27 to 29, inclusive, he will find a rather elaborate chart showing both the present salaries, the present grades, and the number of individuals in each grade, on the one hand, and showing, second, the proposed grades and the number of individuals in each of the new grades.

Mr. STAFFORD. I have a copy of the hearings before me. They are rather elaborate. Can not the gentleman give the information to the House in a general way how much permanent increase is provided under this new arrangement?

Mr. ROGERS. Speaking very generally, the increases on the consular side of the service as compared with the present scale of salaries will be about 14 per cent. The gentleman from Wisconsin is well aware that the number of consular officers very largely exceeds the number of diplomatic officers, the pro-

portion being approximately 520 consular officers and 120 diplomatic officers.

When I say that the increase in salary for consular officers is 14 per cent I am comparing the present salary schedule with the proposed salary schedule.

I have before me a memorandum showing the average salaries of consular officers as of the year 1907 when the new merit classification was first introduced into the Consular Service. The average salary in 1907 was about \$3,400. The average salary to-day is about \$3,600. Thus in the last 16 years the average salary in the Consular Service has been increased about \$200, although the responsibilities of the service and the cost of living have increased pretty generally since that time. The proposed increase, being about 14 per cent, would add \$300 or \$400 to the average salary of to-day.

Mr. STAFFORD. Is the gentleman's standard of estimates a correct one in view of the fact that the number of consular officers has been increased so generally since 1907, especially those of the lower classes, by consular assistants and deputy consuls? Have not the salaries of the principal consular officers been decidedly increased over what the gentleman's statement would seem to indicate? Take the case of the principal consuls at leading ports—

Mr. ROGERS. There has been no increase whatever in the salaries of the principal officers in the last 16 years. Such salary increases as have come about have been increases in the salaries of the \$2,000 and \$3,000 classes.

Mr. STAFFORD. In these respective grades, what increases will be provided, for instance, in the case of consuls general of classes 1 and 2, and how much in the case of consuls general in classes 3 and 4, and so on?

Mr. ROGERS. The consul general of class 1 is reduced from \$12,000 to \$9,000, saving the salaries of the present occupants.

Mr. STAFFORD. There are only two of those I believe.

Mr. ROGERS. Only two, and one of them immediately retires because he is now over 65 years of age. The only one whose salary will be spared to him through his occupancy is Consul General Skinner, at London. He gets \$12,000, and, by a saving clause in this bill, his salary is protected as long as he is in the service. His successor will receive not more than \$9,000.

Mr. STAFFORD. Will the gentleman give us information as to the increases provided for in the other grades of consular officers?

Mr. ROGERS. The increase in the salary of the consul general of class 3, for example, is \$2,000. I will not read them all, but I will give illustrative ones.

Mr. STAFFORD. Just give the leading ones, the increases in the salaries of the leading consular officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that my time be extended five minutes in order that the gentleman from Massachusetts may complete his statement.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ROGERS. The increase in the salary of consul of class 5 will be \$500, and that is true also of consuls of classes 6 and 7. There are only a very few consuls as to whom the increase will be over \$1,000, and the vast majority of cases will remain either fixed or will have increases at most of \$500. The gentleman can see that that must be so from the fact that 14 per cent is the average increase over the whole service.

Mr. STAFFORD. I have had some difficulty in bringing myself to the conclusion that this interchangeability feature of having consuls transferred to the Diplomatic Service is really a valuable provision. The duties of the consular officers are different from those of the secretarial force connected with the Diplomatic Service. One is business, and the other is diplomacy. Originally it was contemplated to retain intact the consular branch of the service and not merge them under one general head as foreign-service officers. There may be occasional instances where a man has occupied the post of a consular officer and may have a turn for diplomatic service, but I do not think there have been many instances in the history of our Government where consular officers have been transferred to the Diplomatic Service or where they desired to be transferred to the secretarial force of the Diplomatic Service. If I am in error, I would like to be corrected.

Mr. ROGERS. Will the gentleman permit me to say that almost every question which comes before our foreign service to-day does involve diplomacy or international relationships politically on the one hand and international trade on the other



hand? I think that has become especially true in the years during and succeeding the war. Secretary Hughes in his testimony before the committee laid great stress on the importance of having men in each service who were trained in the functions belonging to both services.

The gentleman suggests that relatively few consuls would want to be transferred to the Diplomatic Service.

Mr. STAFFORD. To the secretarial force of the diplomatic side, which the bill provides for.

Mr. ROGERS. As a matter of mathematics alone there is much force in the gentleman's suggestion, because, as I said, there are four or five times as many consular officers as diplomatic, and there will not be enough places to take care of all the consuls. But my view of the principal utility of this interchangeable provision is that under it we shall send our young men to school in the consulates. There we shall give them a thorough grounding in the practical side of business representation abroad so that later, as their fitness makes it proper, they can be transferred to diplomatic work. They will have acquired a fundamental grasp of international trade and commerce that is going to make them immeasurably more useful to themselves and to the country.

Mr. STAFFORD. To me it seems that it is going to be difficult to apply a new name to a service like the Consular Service that has been applied almost since the development of the Government. I recognize the value that will be attained along the lines of suggestion of the gentleman and as described by our eminent Secretary of State, but I have doubts still whether it would not have been better to retain separately by designation and classification the two respective services.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the House, I am very glad to believe that the bill reported by the Foreign Affairs Committee will add materially to the efficiency of our foreign activities. I think one of the most valuable contributions to the service will be the advantage that we can take of the experience of the men in the Consular Service and of the experience of the men in the Diplomatic Service and the interchangeability of these services. Where we find a man in either of the services who by years of work has acquired knowledge and experience that is valuable to the Government, we should be able to take advantage of that experience. It will be done in other lines of business, at least in other lines of successful business, and the weakness of our Government in the past has been that we have really had no permanent foreign staff that could work to a well-defined policy. This is the entering wedge of a permanent policy to be fixed by the Government, under which we will have in the service men who are educated for the service, whether they receive the education in the consular activities or in the diplomatic. And as years go by the United States will find itself able to cope with the representatives of foreign nations, because we are henceforth to be able to take advantage of the knowledge of men whether they have been theretofore in the Diplomatic or in the Consular Service.

After this bill becomes a law we are to be able to take a man out of either service and put him into the other service, not because we want to favor the man but because we want to improve the service. What is there simpler than that? What is more worth while than to lay the foundation for efficiency, permanency, and knowledge in the great Government service that has to do with the activities of the world? We have never been looked upon as qualified to speak, because we have not been able to bring men into the Diplomatic and Consular Service except men who were rich enough to pay their own way. This will help in a large measure, not only to take advantage of the experience acquired by these men, but it will democratize the service and encourage those who have to make a livelihood out of the position they occupy to know that the position not only is permanent but that they are to be permitted to retire with some pension after a life of faithful service. There is no opportunity for these men to acquire a competency as a result of the service, and if they give their lives to the country and the country is able to profit by that life of service and experience, what is there more just than to say to the men who do that, after a long period of devotion and service, the Government will see to it to the extent that it will be the instrumentality in having a fund paid into the Treasury out of their own purses so that when they grow old they may not fear the poorhouse. [Applause.]

The Government is not going to pay this annuity. The men pay this annuity themselves, and the annuities that are paid to the men in other branches of the service require men and women to whom they are paid to pay 2½ per cent of their

earnings into the fund, while this bill provides that the men in this service shall be required to pay 5 per cent of their earnings into the fund. That is much more than is required in any other branch of the service.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. Is it the gentleman's opinion that this annuity fund should be self-sustaining?

Mr. MADDEN. It will be substantially self-sustaining. I have figures prepared by the Bureau of Efficiency of the Government which indicate that the total maximum cost of the annuity between 1940 and 1945—and that will be the peak—will be \$400,000, but included within that \$400,000 is \$50,000 which is proposed to be appropriated in this bill, which I understand is to be eliminated, so that it will be only \$350,000. Of the total amount of the cost, the highest amount to be paid by officials into the fund will be paid between 1940 and 1945 and will amount to \$150,000, and the highest amount paid by the Government will be paid within the same period and will amount to \$250,000, from which should be deducted the \$50,000 that is proposed to be appropriated in this bill, so it will amount to only \$200,000. That will be the most the Government will ever be called upon to pay, and as we proceed beyond 1945 up to 1965 there will be no expense to the Government as far as I can see.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. So that we are not doing any injustice to the Treasury of the United States when we make this provision. On the other hand, we are acting as trustees—and when I say "we," I mean the country—of the men who are devoting their lives to the service of the country, and we are investing their contributions from a fund which will afterwards be used to meet the annuities that may be required as the result of this law.

This chart which I have, and which has been prepared after great study, indicates that the total number of officials in the service July 1, 1922, was 635; that the pay roll July 1, 1922, was \$2,288,000; and that the pay roll under the reorganization provided in this bill will amount to \$2,842,500. That brings the cost to \$500,000 above the present law, when it reaches its maximum, but it will not cost anything to speak of for some time to come. It is true that the compensation of the men will be more, and it should be more. The bill, while seeming to cost \$500,000 and odd more for compensation, really costs no such sum, because to-day we have \$200,000 expended for post exchange, appropriated under the present act, which under this act will be incorporated in the expense that I have just alluded to, so that if we deduct the \$200,000 from the \$525,000 we will have less than \$350,000 as a maximum additional cost for a service that will be so much better that dollars do not measure it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STAFFORD. The statement made by the gentleman from Illinois that the retirement fund in 1955 or 1958 will not cost the Government anything is directly counter to the statement made in the hearings, on page 31, and to the position of the gentleman from Massachusetts [Mr. Rogers], the author and the sponsor of the bill.

Mr. MADDEN. Yes; I made a mistake on that.

Mr. STAFFORD. It states this—

As already stated, this total in 1958 will reach approximately \$646,800. In that year and for all following years the appropriation by the Government will have to be \$646,800, less \$142,500, or \$504,300.

In view of that statement, I am desirous of ascertaining the gentleman's opinion whether these men who are going to receive a living salary with retirement besides—

Mr. MADDEN. They pay for the retirement.

Mr. STAFFORD. Whether they should not bear the expense of their retirement, in so far as the annuities under this bill are concerned, rather than having an annual charge on the Government after 1958 of \$500,000.

Mr. MADDEN. When I said there was to be no expense attached to the Government at a given period I was making my own statement. I believed that when I said it from the calculations that I had made, but the expert says that in 1965 it will cost the Government \$260,000, and it will cost the officers \$177,000, and in 1995 it will cost the Government \$212,000 and the officers \$153,000. So that at no time, even assuming the gentleman's position, will it be possible for the Government to



be called upon to pay more than \$260,000 a year, and that will be at the peak. The Government is paying something toward the annuities paid to other employees of the Government, but those employees pay in only 2½ per cent of their earnings, while these people are required to pay under this act 5 per cent. Why should there be any difference? Why should the Government discriminate against these people? Is it because they are not loyal, is it because they are not unselfish, is it because they have less knowledge and are of less value to the Government than employees engaged in other lines of Government activity? Why should not the Government treat all its employees on a basis of equality?

Mr. LINTHICUM. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LINTHICUM. The gentleman said the additional amount of \$350,000 would probably be required. Is it not true that the amount is \$328,000?

Mr. MADDEN. It is hardly worth while to quarrel about the difference. I do not pretend to have the exact figures in everything I say. I am speaking approximately, speaking generally. I am speaking about the fundamental principle involved, and if my figures are not exactly correct I hope the gentlemen on the floor will not think it is because I have any desire to state them incorrectly, but rather that I simply want to state what I have to say in round figures, and that I am speaking as to the advisability of the policy and the effect that it will have on the foreign relations of the Government of the United States in its transactions with the governments of the world. [Applause.]

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 8, strike out the words "record of efficiency."

Mr. BLANTON. Mr. Chairman, I offer this amendment, I want to say to my Republican friends on the other side of the aisle, to save you and your party from embarrassment. There should be no bill passed by this Congress with any reference made to any record of efficiency. In one particular, however, I might say that you grade up 100 per cent in efficiency, in one particular only, and that is through machine action in creating new positions and raising salaries. You grade up 100 per cent on that subject.

It was your record on efficiency that figured in the last election that reduced your majority here from 170 down to 20 in the coming House. I want to give you my view; it may not be worth anything, yet I want to give you my judgment of the comparison of efficiency of our two great parties here in the House. On my side of the aisle when the Democratic Party sends a man to Congress he comes here as an individual, with some individuality about him. He can speak his sentiments, he can vote his own conclusions. When you Republicans send a man here he comes here merely as part of a machine. When he announces for office he is part of a machine. He is elected by a machine. He comes here and votes with a machine; he is controlled by a machine.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. BLANTON. He has no rights except what the machine gives to him. Why, the humblest man of the Democratic Party, when the Democrats send him to the great House of Representatives, has the right to be heard; he is on a parity with every other Member; he has got a place here; he is something else besides a salary drawer; but when you send a man here you may have picked him out as the best you had in his district, you may have picked him out as the most available man for that office in the district and had your machine bring him here, and when he comes here and votes he must approve salary-raise bills like this that increases the salaries of the consular office \$328,000 a year and then an additional \$500,000 for retirement, and you machine vote him to pass these sort of bills. You machine vote him to pass your sugar bill, you machine vote him to pass your subsidy bill, but when the newspapers malign and exploit him, when the newspapers bring him into ridicule, when the newspapers make a monkey both out of him and your party, then your great Republican Party that sent him here will not even let the poor devil rise up to defend himself, his good name and yours upon the floor. You put a gag in his mouth. That is what is the matter with Republican efficiency. Ah, ah, that is not right. I never have been in favor of gag

rule. I have always been taught during the 50 years of my life that when a man was specially deserving of sympathy you ought to give him an extra amount of sympathy; that if he was deficient in any particular line give him just that much more justice and square dealing. You will not give it on your side; we do on the Democratic side.

Mr. Chairman, I ask unanimous consent to withdraw the pro forma amendment.

There was no objection.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. DENISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 13660. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes.

H. R. 13593. An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1924, and for other purposes.

#### FOREIGN SERVICE OF THE UNITED STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 8. That consuls general of class 1 and consuls of class 1 holding office at the time this act takes effect shall not as a result of their reclassification or reclassification suffer a reduction in salary below that which they are then receiving: *Provided, however,* That this provision shall apply only to the incumbents of the offices mentioned at the time this act becomes effective.

That the grade of consular assistant is hereby abolished, and that all consular assistants now in the service shall be reclassified as foreign-service officers, unclassified.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman in charge of the bill a question. I directed an inquiry day before yesterday about the percentage salary which these employees would retire on at the date of their retirement. I would like to know if the gentleman of the committee can give that information to me now?

Mr. ROGERS. Yes; there are two factors in determining the amount of the retirement allowance. The first factor is the length of time the man has served at the moment he reaches the age of 65. The second factor is the size of his salary averaged over a period of 10 years just prior to his retirement.

Mr. ABERNETHY. What section is that in?

Mr. ROGERS. All of the retirement provisions of this bill are grouped in section 16, and the gentleman will notice section 16 begins by reenacting for this purpose the Lehlbach law of 1920, except as modified in four or five respects. Thus, in order to have a complete picture of the retirement provision, Members would naturally refer back to the Lehlbach law and see wherein that law is modified by this proposal.

Mr. ABERNETHY. I thought the gentleman could probably give information about the percentage. Now, assuming an employee gets a \$5,000 salary at his retirement, what retirement pay would he get?

Mr. ROGERS. You have to know also how long he has served. Assuming he has served 15 years at the time of retirement he would get 30 per cent of \$5,000, or \$1,500. If he has served as long as 30 years, which is the maximum period, he would receive a percentage of 60, which would give him \$3,000 under the retirement allowance.

Mr. ABERNETHY. What other department of the Government permits a man to retire with less than 30 years' service?

Mr. ROGERS. Every officer coming under the Lehlbach law has a retirement status after 15 years, and the Lehlbach law, of course, includes all the civil service employees of the Government.

Mr. BLACK. After 15 years if he has reached the retirement age.

Mr. ROGERS. Yes; I thank the gentleman. That must be added.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CABLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. CABLE. I just want to take the time of the House long enough to call attention to—

Mr. ROGERS. Mr. Chairman, will the gentleman withhold for a moment?

Mr. CABLE. Yes.



Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate close on this section at the end of five minutes.

Mr. FESS. I have been waiting for time. I will take it on the next paragraph if I can get it.

Mr. ROGERS. All right.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section close at the end of five minutes. Is there objection?

There was no objection.

Mr. CABLE. Mr. Chairman, the American consuls abroad play an important part in our immigration service. I refer to the duty of viséing passports of immigrants seeking to come to the United States.

As many of you know the requirement of passport and visé is a war-time regulation. By the act of May 22, 1918, Congress provided that when the United States was at war the President had the power, through Executive order, to make it unlawful for any alien to enter the United States except under such reasonable rules, regulations, and orders and subject to such limitations as the President might prescribe. By authority of this law the President issued the Executive order of August 8, 1917, establishing rules requiring viséed passports as a condition of entry of aliens into the United States.

The Secretary of State was also given authority to issue regulations as might be necessary for the enforcement of this Executive order.

Congress, by the act of March 2, 1921, extended the provision of its original act in so far as it related to requiring passports and visés of aliens seeking to come to the United States and providing that such law should continue in force and effect until otherwise provided by law.

An alien is charged with a fee of \$1 for executing application for a visé and \$9 for each visé of the passport.

Under the Executive order and regulations, certain discretion is given the American consul, but that discretion is limited as to the viséing of immigrants' passports. For example, an alien presents his application and his \$1 to American consul with the request that his passport be viséed. If the consul believes him to be an enemy of our country and its form of government, then under regulations of State Department he has the right to refuse to visé the passport. So also, if immigrant presents his passport and the quota for his particular nationality is filled and no more can be admitted, then he may again exercise his discretion and refuse to visé that passport. Again, if the quota is exhausted, he has the discretion of determining whether the party presenting the passport is of exempted class and not within the quota, and if he so finds, he may visé the passport. Or, again, if the quota is almost exhausted and several immigrants apply, part of whom come within preferred class as designated by the immigration laws and part do not, he may exercise his discretion and visé the passports of those within the preferred class. But, beyond that point the consul has no further discretion.

Under section 3 of our immigration law there are 30 or 40 classes of aliens enumerated who can not be admitted even if quota is not filled, such as idiots, insane, criminals, prostitutes, those afflicted with loathsome contagious or dangerous contagious diseases, contract laborers; and yet the consul, even though he may know that such applying immigrant comes clearly within the class not admitted, has no right to exercise his discretion and refuse a visé. But, on the other hand, it seems to be mandatory that the passport must be viséed. The alien may be warned by the consul and at the same time the officials at port of entry are warned of coming of inadmissible alien. How much better it would be to refuse the visé of passport rather than permit this immigrant to sell his home, if he has one, his personal property, buying a high-priced steamship ticket, coming to America in the steerage, enduring suffering and hardship, only when he reaches our port of entry to have his hopes blasted and to be refused admittance for the very cause and the very reason that the American consul knew to exist at time he viséed the passport.

Mr. BOX. Mr. Chairman, will the gentleman yield?

Mr. CABLE. Yes.

Mr. BOX. If the consul undertakes to choose between them on the basis of their physical, mental, or moral fitness, will he not then infringe upon the rule that forbids us to adopt such an examination on foreign territory? And does any nation permit us to do that?

Mr. CABLE. I am not unwilling to go so far as to make examination abroad final. My proposition is to require the alien to produce a certificate of a reliable physician and also a statement as to his record, and then if from the facts and such other information as the consul may have it is clearly and beyond doubt apparent to the consul that such alien is not admis-

sible, in fairness to the alien, as well as for the protection of the people of this country, the American consul should be given the right to tell the man that he can not be admitted and at the same time refuse to visé the passport.

If the alien has reached a port of entry in our country, it is difficult and sometimes impossible to deport him.

There is pending before the Immigration Committee at the present time bills to permit feeble-minded to remain permanently in this country, who now are temporarily admitted here under bond.

The cry of hardship to the alien and his family is raised in support of these measures, as well as cold facts that in some cases there may be no country or place to which the alien can be deported. How much better it would have been to have given the consul permission to refuse the visé of these feeble-minded.

Mr. WOODRUFF. Mr. Chairman, will the gentleman yield?

Mr. CABLE. Yes.

Mr. WOODRUFF. Is it not a fact that the permission given by this Government to aliens to come to this country constitutes a privilege and a very high privilege?

Mr. CABLE. It is.

Mr. WOODRUFF. And is it not a fact, if that is true, that this country can lay down under legislation rules whereby this privilege will be granted? I believe the right of Congress to enact such legislation is very clear.

Mr. CABLE. You do not need congressional legislation. If the Secretary of State would give to the American consul discretion, he could eliminate many hardships occasioned to immigrants seeking to come here. At the same time he could relieve the officials at ports of entry of the unwelcome task of debarring and sending back to their native land those who are inadmissible and who should not have been permitted to start on the long journey to America.

The consul should have the right to refuse to visé passports of immigrants clearly and beyond doubt in the excludable class. I suggest this in addition to the inspection and examination on this side.

The revenue from viséing of passports runs into hundreds of thousands of dollars, and the \$10 of the excluded alien is not returned to him. Fair treatment requires its return. But the greatest good can be accomplished by preventing the departure of the inadmissible alien from his native land.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

SEC. 9. That sections 1697 and 1698 of the Revised Statutes are hereby amended to read as follows:

"Every secretary, consul general, consul, vice consul of career, or foreign service officer, before he receives his commission or enters upon the duties of his office, shall give to the United States a bond, in such form as the President shall prescribe, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than the annual compensation allowed to such officer, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands or to the hands of any other person to his use as such officer under any law now or hereafter enacted, and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such officer: *Provided*, That the operation of the existing bond shall in anywise be impaired by the provisions of this act: *Provided further*, That such bond shall cover by its stipulations all official acts of such officer, whether as foreign service officer or as secretary in the Diplomatic Service, consul general, consul, or vice consul of career. The bonds herein mentioned shall be deposited with the Secretary of the Treasury."

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. The other day the gentleman from New York [Mr. HUSTED] raised the question of the facilities for study in matters of foreign service, and stated that he thought there ought to be attached to the Department of State a school of diplomacy. Some inquiry was then made on what the colleges and universities were doing to supply this training. There has recently been a survey made of colleges and universities of the country as to what has been undertaken in this sort of study and equipment for foreign service. That survey has been made by the Institute of Public Service of the city of New York. I have examined the facts collected. The report, I think, is informing and rather suggestive.

The report says that there were 510 catalogues examined, and of that number 325 did not even mention the matter of foreign affairs. One hundred and eighty-five referred little or much to foreign affairs. The subjects or courses published indicates the character and extent of the training. Three announced courses in present-day world policies; 40 in contemporaneous history, which usually starts about 1870; 33 in foreign relations, treated



historically; 53 in the history of diplomacy, usually starting back 100 or more years; 69 in the theory of international law; 25 in comparative governments, largely remote and historical; and 10 in the World War and its results.

It will be noted by this report that the educational institutions of our country do not regard foreign service a field offering a career to young men. No agency of our national life is more responsive nor quicker to react to the demands of fields of intellectual training for service than the leaders of education.

The field of foreign service had not sufficiently attracted American citizens to fill all the places. When the World War came we found in this service several foreign citizens who were available both from the point of ability and training and remuneration.

This field of service demands a particular character of training, which colleges have not as yet fully comprehended, as an examination of the survey before mentioned discloses.

This report states that of 50 State-supported universities, normal colleges, and technical schools none mentions foreign affairs in its index, 5 say they are using current events in teaching foreign affairs, 15 announce courses on the World War or problems resulting from it.

Of the 14 well-known colleges for women in the United States, with 11,000 students, none gives a course on the World War. One gives a course on current events. Four state that current topics are used in courses which begin with more or less remote history.

Of those colleges that take up this work the character of the courses is significant. For example, to run over some of the courses that are offered in the universities, I notice that there is one which gives current events and their historical background. You can imagine about how far that would go.

Another offers courses on the disarmament conference and its problems; another the insistent major problems of the last two decades; another, present-day geography.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. FESS. Yes.

Mr. COOPER of Wisconsin. What sort of problems?

Mr. FESS. Present-day problems, which I take to mean political and economic. Another gives current and intricate problems as a subject of research work, given as a seminar in a university; another, the World War, with its background and results. That is a very good subject. Another, a general introduction to the religious, cultural, and social life of today; another, the great World War and the new era. I am mentioning a few of the courses offered in different universities under the title of foreign service or Diplomatic and Consular Service, that Congress may know how broad is the character of the training offered by our educational institutions.

In addition, I might say, however, that there is one effort that is quite outstanding, that every member of the committee will recall. That is the effort stimulated largely by Mr. Bernard Baruch in inducing Williams College to give a summer course on matters international, to which were invited leading lights of the world. These courses are given as summer-school courses. You all recall that the famous Viscount James Bryce appeared there and gave a series of lectures. Other less distinguished men of world-wide recognition on matters of international significance were on the program.

Mr. WHITE of Kansas. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Kansas.

Mr. WHITE of Kansas. Is the gentleman able to state just about how many leading lights are invited or are to be invited?

Mr. FESS. Two years ago the catalogue of announcements included, I should judge, not less than a dozen of the very best international talent available in the world.

Mr. WHITE of Kansas. I think probably this country could furnish 20,000,000.

Mr. FESS. I think my friend has a very good opinion of "leading lights" of our country.

Mr. BLANTON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Texas.

Mr. BLANTON. Was the Republican Representative who was denied his rights on the floor this morning included in that bunch?

Mr. FESS. The character of those invited is suggested by men like Viscount James Bryce, author of *The American Commonwealth*, which is recognized as the best book on the American Government yet published or written by a foreigner.

More and more the colleges are taking up the work of current events, but that does not touch the subject that we have in mind. I rose simply to give this information, in line with the suggestion of the gentleman from New York [Mr. Husted]. I am more or less in sympathy with what he said. However, if you enact this bill into law, we will provide for a real career for young men and our colleges will very quickly respond to the needs of such training. With the advancing rank of this Nation among the nations of the world we must have an increasing interest in foreign matters, and our representatives must continue to be more and more able to properly reflect the character and ideals of the Nation. International good will is a wonderful asset and merits the concern of the American Congress in insuring not only the creation of such good will but also in maintaining it.

Now, may I say, gentlemen of the committee, that I regard this legislation which we are now considering to be as far-reaching in its important significance upon foreign relations as anything that we will have done during this session, except the funding of the debt soon to be completed. It deals with a problem that involves problems that are delicate. Everybody knows that with the newer discoveries and inventions in communication and transportation the world is becoming more and more a neighborhood, that no portion of it is entirely detached from communication with every other portion, and our relations, diplomatic as well as commercial, are bound to be more and more important, and with that as a statement of fact we can assert that business is going to grow as rapidly in the future as it has in the last 10 years. The business of the State Department in the last five years has more than doubled, and everybody will also notice that the business of the Commerce Department, especially as expressed in our foreign commerce, is growing by leaps and bounds.

This Congress responded to that situation in an increase of the facilities of the Secretary of Commerce, to which Congress responded favorably since the close of the Great War. If you will look over the figures of the last 10 years I believe you will all agree that we are justified in our belief that the commerce between our country and other countries is now very small in comparison with what it is going to be in the very near future. This alone argues strongly for this proposed legislation. That means our trade relations are not only growing, but they are bound to be more complicated, which last consideration is an additional reason why the bill should become law.

And then there is still another feature. This is not only the greatest Government, measured by industry, in the world, and growing apace, but here is a line of service needing the best available talent of America to represent our country properly in foreign parts, a line of service that ought to be made a profession as well as a business, so that ultimately you will call from the ranks the best available talent of our country, which, unless this legislation is enacted, the opportunity will not open to serve the Nation abroad in a manner commensurate with the Nation's dignity and commercial standing before the world. I urge this particular consideration, that it would be a very serious position for America to take to close the door to those who are not what the world calls fortunately born or persons who must concern themselves about the "bread-and-butter" consideration. This field of service must not be open only to those who can easily go into it because they have the money. To close the door to all except that class would be a very unfortunate position for America to take. That consideration appeals to me wonderfully, because we know how frequently in the rough we find the diamond, and this bill opens up the way to this service to call for that talent. [Applause.]

The qualifications of the service entails talent, special training, time, and considerable expense. Uncertain tenure, lack of remuneration, and rigid requirements have not in the past made this service appeal to the best talent of our country. This bill proposes to correct these errors and remove these obstacles to opening this service as a career for young men. Among the important measures of the Sixty-seventh Congress this proposed legislation, if it becomes law, will stand as a leading constructive measure of the present administration.

Mr. CABLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.



Mr. ROGERS. I ask unanimous consent that all debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. LITTLE. Mr. Chairman, in response to a question, the gentleman in charge of the bill called my attention to what I think they feel is a weakness in the bill. In the gradual development of the Department of Commerce we have now in addition to the old diplomatic service a force whose business it is to visit the various capitals and to get in touch with the business interests of this country, in my opinion to be more important than the diplomats. Those people serve under the Secretary of State in a way, and yet in a way not. I am sorry these gentlemen, who I think themselves agree with me that it should be done, have not arranged that feature while they were covering so broadly and so well the other features of this work. They say that they could not. I believe they could if they would put it in the bill, and I think that as soon as possible that should be done.

This bill in getting together, unifying, and disciplining the foreign service is probably a great improvement, but I have no doubt it will have some difficulty which may be very important. In the first place you note that the ambassadors and ministers, the officers of eminence and real political responsibility, are not selected under this law. That is well, for the reason that all governments find that as a rule all their great diplomats are men not trained in the Diplomatic Service. It is infrequent that you find any man rising in the Diplomatic Service who amounts to anything seriously who is trained in that service. Anybody who has kept in touch with them will notice that most of England's great ministers were raised in some other service. In other words, you have got to skip the civil service and avoid stereotyped types and take men of brains and force and character, trained in the world's battles. This will also have a similar effect on the lower branches of the service. If you stop to think a minute, you have got to select consuls away from the men who work in a groove when you need men with initiative, like the country doctor, the country lawyer, the country merchant, active farmer, and stockman, who have initiative and shrewdness, and when they go abroad they can cut some real figure and get results. You are going to be met with lack of initiative, lack of assertion, lack of push among your people if you stick in the grooves always. I think the general arrangement and discipline will change or offset that to some extent; but you are going to find, sometimes, difficulty in getting efficient servants that have any energy to them, under this legislation.

Some years ago Great Britain issued a proclamation to her consuls telling them that their long-stereotyped methods gives a great superiority to American consuls, who are selected for ability, push, and energy and not for mechanical methods. In my judgment that part of the bill is going to be severely tested. We must organize and put this service on a scientific basis, with trained men, but I view with some trepidation the lack of push, the diminutive energy, initiative, and imagination that will ensue at times. That is what you are up against. Benjamin Franklin never had any consular or diplomatic training, but is still considered the foremost American diplomat.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LONDON. Mr. Chairman, I desire to pursue the thought of the gentleman from Ohio [Mr. Fess] a little further. So far as the bill is concerned, it is a meritorious bill. Nothing can be of more value than the placing of the Consular Service upon a more scientific basis. I want to address myself to the subject of the study of history with particular reference to the World War.

There is appalling ignorance of international affairs in the United States even among intelligent people. In a way it was almost inevitable that it should be so. America has lived her own life. Her problems were the problems of a young giant having before him an unlimited field of activity on the American Continent. America treated Europe and Europe's difficulties with the commiseration which a vigorous young man feels for senility.

This indifference to European affairs reflected itself in our schools and colleges, where very little attention was paid to modern history. The educated American knew more about ancient Rome and Greece than about France, Austria, Germany, or any of the continental European countries.

During the war we had a committee on public information. It was an important committee and it was in charge of an

able man. I understand that he publicly made the statement that he did not know whether Ukraine was the name of a country or the name of a musical instrument.

When one reads the proceedings of the Versailles conference one is dumfounded at the lack of knowledge of elementary facts relating to other countries displayed by the statesmen who rewrote the map of Europe. The mischief of the Versailles treaty is not all due to evil intent. A great deal of it is the direct result of the absence of definite information on the subjects the peacemakers were dealing with. And yet, of all subjects that the world must be informed about, there is nothing more important than a knowledge of the difficulties and problems that confront the nations of the world.

There are many obstacles in the way of knowing the truth. History has not yet reached the state of a reliable science. The individual historian manages to marshal out of the multiplicity of human events enough facts to support his particular theory. And if history is unreliable because of the prejudgments and vagaries of historians, it becomes a veritable trap when one takes seriously the enormous volume of deliberate falsehoods spread about each other by the representatives of the belligerent nations in the latest world contest.

The greatest philosophers have failed to escape this tendency. The poison war of the trenches had its counterpart in the poison distributed by the intellectuals by lip and pen. The World War was in preparation for a long time. It is impossible to understand it unless one studies its background.

Fortunately there are now available for the men who are anxious to know the truth many documents bearing upon the causes of the great world tragedy which were heretofore unavailable, and about the existence of which there was a great deal of guesswork. The revolutionary governments of Germany and Russia, and the researches made by a number of fearless British scholars and statesmen have revealed to the world the contents of the previously secret archives. The schemes and the intrigues, the plots and counterplots, the sinister designs of emperors and czars, of kings and rulers, of financial princes and industrial magnates, the treachery and falsehood among the great of this world have been laid bare for the benefit of those who want to know the facts.

There is by this time probably more than a million books and pamphlets about the war. The greater part of this literature is the old style, self-glorification, and dishonest abuse of adversaries. One must chart his course carefully in this ocean of words. It is in the original State documents now made public that one can hope to find the basis for a true history of the World War.

American colleges are enlarging their courses on modern history. Will it be history that they will study hereafter or will it be again the horrible thing that Byron called "history, the great liar"? Will our students learn to know the true causes which have wrecked Europe and which have brought the dark clouds of reaction upon the horizon of our beloved country?

Some time ago I suggested that a scientific commission be appointed to make a dispassionate scientific study of history. I wish America would undertake that task. I wish a suitable appropriation would be made for that purpose. After all we do not share the intensity of the hatreds which torture the rest of the nations.

Long before the World War the socialists of the world urged the necessity of international understanding. Facing persecution, they stressed the necessity of that patriotism which in advocating love for one's own country refuses to preach the gospel of hatred of other nations. It is the socialist who warned mankind of the menace of militarism, of the danger of employing armies and navies as instruments for commercial aggrandizement. The internationalism of the socialist means nothing more than cooperation and mutual regard among nations for the general advancement of the cause of humanity.

Of what value is our progress if the progress of social science, the greatest of all sciences, the science of the relation between man and man and nation and nation, shall continue to be impeded by prejudice, ignorance, and selfishness?

Mr. LITTLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Sec. 10. That the provisions of section 4 of the act of April 5, 1906, relative to the powers, duties, and prerogatives of consuls general at large are hereby made applicable to foreign-service officers detailed for the purpose of inspection, who shall, under the direction of the Secretary of State, inspect the work of offices in the foreign service, both in the diplomatic and the consular branches.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. What are the provisions of section 4 of the act of April



5, 1906, which are made applicable under the provisions of section 10 of this bill?

Mr. ROGERS. The act of April 5, 1906, as since amended, authorizes the appointment of seven consular officers as consuls general at large for the purpose of inspecting consular missions throughout the world. Singularly enough, as I view it, we have never had any provision for inspecting diplomatic offices. The intent of this section is simply to enable the Secretary of State to continue inspection work of consulates, and also to inaugurate a system of inspecting diplomatic missions.

Mr. BRIGGS. It includes those which have not been heretofore included in that inspection?

Mr. ROGERS. Yes; and I think the gentleman will agree that it is desirable to have some supervision over both branches of the foreign service.

Mr. BRIGGS. What is accomplished through these inspections? Are they simply visitations of a pleasant character, or do they result in some tangible good to the Government?

Mr. ROGERS. It is about the most rigid auditing system that there is in any branch of the Government. The men who are detailed to this inspection work, as I know from personal experience with many of them, are able and thorough and scrupulous examiners of every office into which they go. They check up the accounts; they report upon the kind of work that is being done by the individual consular officers at these offices. In general, they make a thorough inspection both of the general business practices prevailing in the particular office and of the routine administration of the office.

Mr. BRIGGS. In other words, they are to the Consular Service what the post-office inspection service is to the Post Office Department?

Mr. ROGERS. I should think very much akin to that.

Mr. KETCHAM. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KETCHAM. If this bill is enacted into law, will the gentleman state to the committee something where it will place our Consular and Diplomatic Service in comparison with similar services of other countries with which we are now on a par in other matters?

Mr. ROGERS. Speaking generally, I think the effect of this bill will be to assimilate our service more closely to that of our principal trade rivals abroad. The element of interchangeability, which I regard as one of the extremely important provisions of this bill, prevails almost universally among the other powers of the world. The retirement system, which is perhaps the second most important element in this bill, prevails in the case of every first-class power, and in almost every second-class power as well.

Mr. KETCHAM. May I follow that with another question? Will the provisions of this bill make the foreign service sufficiently attractive by reason of its increased salary and retirement provisions so that young men may look forward not only to adequate preparation but to continued service with the same satisfaction that they view their entrance into other professions of the country or other activities?

Mr. ROGERS. I think the answer is emphatically yes. Every man who has studied this question and has given the committee the benefit of his opinion agrees in the strongest possible terms. I believe—and this, of course, is only surmise—the field of selection will be broadened tenfold as the result of the enactment of this legislation.

Mr. KETCHAM. One other question. Will the gentleman state how the provisions of this bill, so far as the items of expense of increased appropriation are concerned, compare with the appropriations made for similar services on the part of other countries supposed to be on a par with us?

Mr. ROGERS. I can refer the gentleman specifically to the British service, which is, perhaps, more nearly analogous to ours in the nature of its problems. The net cost of the British service is \$8,332,000 a year. The net cost of our foreign service for this year, including the expenditures of the Department of State, is \$3,606,000 a year. Within the past year or two the receipts of the foreign service were more than sufficient to pay every cent of outlay, both for the Diplomatic and Consular Service and the Department of State itself.

The CHAIRMAN. Without objection, the proforma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 11. That the provisions of sections 8 and 10 of the act of April 5, 1906, relative to official fees and the method of accounting therefor shall include both branches of the foreign service.

Mr. ROACH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROACH. Page 7, line 11, after the word "service," add a new section as follows: "The act approved March 2, 1921, entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922,' is hereby amended to include Lisbon, Portugal, among the places at which the acquisition of embassy, legation, or consular buildings and grounds are authorized within the amount appropriated."

Mr. BLANTON. Mr. Speaker, I make the point of order against it that it is not germane to the purpose of the bill.

Mr. ROACH. Will the gentleman withhold his point of order just for a moment?

Mr. BLANTON. I will reserve it.

Mr. ROGERS. Before the gentleman begins will he permit me to submit a unanimous-consent request?

Mr. ROACH. Certainly.

Mr. ROGERS. I ask unanimous consent that all debate on this section and amendments—

Mr. STAFFORD. I hope the gentleman will not press that at this time.

Mr. ROGERS. I withdraw it.

Mr. ROACH. Mr. Chairman, I confess that perhaps the point of order made against this amendment may have to be sustained, but I particularly wanted to direct the attention of the committee and the gentlemen handling the bill that is now under consideration to the act of March, 1921, which made a general appropriation for legation buildings and created authority under which those sites were to be selected and the buildings purchased. For some reason unknown to me and which I have been unable to ascertain Lisbon, Portugal, was omitted from the list of capitals at which the United States Government was authorized to erect or purchase a suitable legation building. In that connection it is pertinent to say that Lisbon, Portugal, is one of the important foreign stations, and I am unable to reason out why it was omitted from this list of capitals at which United States legations should be purchased or erected. In that same connection my attention has been called to this matter by the present United States minister at Lisbon, and from what he says I infer that the United States is being literally held up in the rental of a suitable building for the United States legation at that point; the rents, as I am informed, ranging from \$600 to \$2,000 per month for an adequate building, a sufficient amount in a few years' time to pay for a building for the United States Government. Therefore from economy standpoint alone it requires no argument upon my part to convince the committee that it would be both economy and greatly add to the dignity and prestige of the United States to own a proper legation building at a foreign post so important as Lisbon, Portugal. And I have offered the amendment at this time to direct the attention of the committee to what appears to have been a clear oversight, in that Lisbon, Portugal, was not included in the act of 1921, and in some way I have been unable through my investigation to ascertain from any source any good reason Lisbon, Portugal, was not included in the provision of the act of March 21, which, as you know, authorized a number of legation buildings.

Mr. ROGERS. Will the gentleman yield?

Mr. ROACH. I will.

Mr. ROGERS. I had something to do with the drafting of the provisions of the law to which the gentleman refers, and I can assure him that if the matter had been brought to my attention at that time Lisbon would have been included in it.

Mr. ROACH. I am very glad to hear the gentleman make that statement, and it only emphasizes the importance of this matter receiving consideration either on this legislation or on any legislation affecting our Diplomatic and Consular Service that may be proposed in the future; and should the point of order be sustained against the amendment I have offered, I want to call it to the attention of the committee in order that this matter may receive the consideration in future legislation to be considered by this House upon this subject.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. ROACH. I will.

Mr. CHINDBLOM. I do not know why there should be any reason to concede the point of order. The bill is one for the reorganization and improvement of the foreign service of the United States, and for other purposes, and consists of a large number of sections relating to different matters connected with our foreign service.

Mr. ROACH. I am not proceeding on the point of order except to say that perhaps inferentially it carries an appropriation, although the act referred to carried an appropriation in its own provisions. Others will discuss the point of order.

Mr. FAIRCHILD. I will say to the gentleman that it is not too late now for it to receive the consideration of the committee.



The CHAIRMAN. Does the gentleman from Texas [Mr. BLANTON] desire to make his point of order?

Mr. BLANTON. Yes; I make the point of order.

The CHAIRMAN. The gentleman will please state his point of order.

Mr. BLANTON. My point of order is that the amendment is not germane to the purposes of the bill.

The CHAIRMAN. Does the gentleman from Missouri [Mr. ROACH] desire to be heard on the point of order? Or does the gentleman from Iowa [Mr. TOWNER] desire to be heard?

Mr. TOWNER. Mr. Chairman, I was going to suggest that I had many grave doubts as to whether the point of order could be sustained. This is a general bill for the reorganization of the foreign service, the purpose being to improve the efficiency of the State Department in a general way. The two preceding sections, as the Chair will see by an examination, are exactly similar in character to the provision which is sought to be inserted by the gentleman from Missouri [Mr. ROACH]—sections 10 and 11. So as this is offered as a new section, and is in consonance with the provisions of the bill, which is a general bill, I think it is within the rule that it shall be considered germane to the purpose of the bill.

Mr. BLANTON. Mr. Chairman, the rule is that it must not only be germane to the purpose of the bill but it must also be germane to the section immediately preceding the point where it is offered in the bill. It is not germane to the preceding section. This is a bill for the reclassification of salaries. It is not a bill for the purchase of embassies. The design of this bill is not to purchase property for embassies.

The CHAIRMAN. Does the gentleman from Iowa have any authority in view?

Mr. TOWNER. No; I have no authority particularly in view, but that certainly is the rule; and, contrary to the suggestion of the gentleman from Texas, it is not the rule that it must be germane to the section preceding it. A new section offered is germane if it is germane to the general purposes of the bill.

Mr. BLANTON. Will the distinguished gentleman yield?

Mr. TOWNER. Yes.

Mr. BLANTON. I cite to the Chair a very elaborate opinion on the question by the gentleman from Connecticut [Mr. TILSON], where he went into this question at great length and called attention to some ruling that had been made to the contrary. But he went back to the fundamental proposition that when you offer a new section as a new section, nevertheless for the purpose of parliamentary procedure it is in a sense a part of the preceding section and must be germane to the preceding section.

Mr. TOWNER. Mr. Chairman, I do not remember the particular decision suggested, but it must have been in accord with the general decisions regarding those matters. Many authorities support the proposition that a new section need not be germane to the preceding section of the bill, but that it is only necessary that it shall be germane to the general purposes of the bill.

Mr. STAFFORD. Mr. Chairman, the amendment is not only not germane to the present section but I respectfully affirm it is not germane to the general purposes of this bill. A casual examination of all the sections of this bill will show that it relates exclusively to the personnel of the Consular and Diplomatic Service. Nowhere does it relate to the housing of that service in any particular. As to the sections referred to by the distinguished gentleman from Iowa [Mr. TOWNER], sections 10 and 11, stating that those are of a general character, a mere reference to them in the statute shows that those relate to fees to be covered in and not regarded as salaries. It extends the fee system now in force as to consular officers to these new described officers, namely, foreign-service officers.

Let me present this parallel case to the Chair: Assuming for the moment that there is presented by the Committee on the Post Office and Post Roads a bill providing for increase of the salaries of all persons engaged in the Postal Service, would anyone for one minute contend that it would be germane to provide in that bill by an amendment for a public building at Milwaukee or any other place?

The CHAIRMAN. May the Chair inquire if there are any appropriations in this present measure under consideration?

Mr. STAFFORD. I have not been able to find any appropriations.

The CHAIRMAN. This amendment is an appropriation.

Mr. STAFFORD. But I would go further, Mr. Chairman, and say it would be violative of the fundamental principles prevailing in the consideration of bills in this House, that in the consideration of a bill relating to the personnel of a department you could attach to that a provision so diverse as to provide for a public building. To me it is clearly similar to the

case instanced by me just a moment ago, providing for the reorganization of the Postal Service, making it as general as possible, and limiting it to one phase, namely, the reorganization of that personnel and providing for their salary. It might include from the Postmaster General down to the various grades of supervisory officials, clerks, and carriers. And yet you could not attach a provision for a public building. It would then be possible to consider an omnibus public building bill in a bill limited to personnel if that were allowed.

Mr. ROACH. This amendment which I offer only does that which section 19 of this bill does. That makes it available from the money already appropriated for the Diplomatic and Consular Service of the United States, and includes reports in that appropriation already made.

Mr. STAFFORD. Oh, no. That section makes it available, not for Portugal, but for this specific purpose; not for a public building in Portugal or at Rio de Janeiro or Buenos Aires. No. It makes it available for these specific purposes. You are proposing an extraneous provision. If we launch upon your proposition, we will never get through with the consideration of this bill.

Mr. ROACH. We will be conforming to the announced and expressed purpose of the bill, if you will read the title of it, for the reorganization and improvement of the foreign service of the United States.

Mr. STAFFORD. The title is not controlling on the question of germaneness. It is the various sections of the bill that are controlling.

Mr. TILSON. Mr. Chairman, I am very strongly in favor of the legislation proposed by the gentleman from Missouri [Mr. ROACH], and I will go as far as any Member of this House in the direction of making appropriations toward acquiring proper embassies and legations in foreign countries. I think that we ought to do much more than we have done in this direction. In my judgment, we have been remiss in our duty in this respect, and we are suffering on account of it. But my views on this subject do not carry me to the point of being willing to see an amendment come in, after a point of order has been made against it, which, if admitted, would violate the best precedents of this House.

I think that we are liable to get away from the crux of the question. Therefore, in order that we may get back to it, I will read the clause of Rule XVI that applies here:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The question submitted to the Chair reduces itself to this proposition: Is this a different subject from that which we are considering in this bill? I have read the bill pretty carefully and have found nothing in regard to the acquiring of legation or embassy buildings in foreign capitals. However, in order to be doubly sure, I have inquired of the chairman of the committee [Mr. PORTER] and of the gentleman from Massachusetts [Mr. ROGERS], and they tell me that there is nothing in the bill that in any way relates to the acquiring of these properties in foreign countries.

Mr. ROACH. Will the gentleman yield?

Mr. TILSON. In just a moment. It seems to me that by admitting this amendment we shall say that we can in this bill embark upon a program of building or otherwise acquiring property in foreign capitals. I do not believe that this bill or any section of it will warrant such a construction as to lend itself to such a program.

Mr. BANKHEAD. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Alabama.

Mr. BANKHEAD. I do not know whether the gentleman noticed the reading of the amendment, but it does not even purport to be an amendment to this bill that we are now considering. It purports to be an amendment to the act of March, 1921.

Mr. TILSON. Yes; I noticed it.

Mr. BANKHEAD. An entirely separate and independent piece of legislation.

Mr. TILSON. What the gentleman suggests is an additional objection to the amendment, which alone is probably decisive. But stripping it of all technicalities and bringing it right down to the question whether this amendment introduces a new subject, on this ground alone I believe that the amendment will not stand the test of a point of order.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLANTON. If the gentleman's amendment is in order, then it would be in order to offer amendments to buy properties for legations and embassies in every country of the world.

Mr. TILSON. Yes; the gentleman is correct.



Mr. CHALMERS. If one of these sections provided for the leasing of property for legation purposes in a foreign capital, would the gentleman then consider this amendment germane?

Mr. TILSON. That might open the question somewhat as to whether it is a different subject to propose to buy an embassy if the bill already provides for the leasing of embassies. It would make it a closer question, but the supposed case does not arise here.

The CHAIRMAN. This bill relates to the foreign service and deals with the question of reorganizing the diplomatic and consular service into one service. The entire bill is a question of the organization of personnel. The amendment offered by the gentleman from Missouri [Mr. ROACH] is an amendment to an appropriation act. In the opinion of the Chair, if the specific point of order were made that it is an appropriating paragraph, such point of order would be sustained, because such an amendment is not permissible on a bill coming from this committee. However, on the question of germaneness, the amendment, in the opinion of the Chair, is subject to the point of order. The amendment deals with the question of appropriations for buildings, which question is not dealt with in the pending measure. For that reason the Chair sustains the point of order.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the gentleman having charge of the bill the reason why he did not include the provisions of section 9 of the act of April 5, 1906, as well as sections 8 and 10.

Mr. MOORE of Virginia. What is section 9?

Mr. ROGERS. Section 9 reads as follows:

That fees for the consular certification of invoices shall be, and they are hereby, included with the fees for official services for which the President is authorized by section 1645 of the Revised Statutes to require rates of tariff—

And so on.

The reason for that was twofold. In the first place, diplomatic officers do not handle consular fees. In the second place, section 18 of the bill provides:

That all provisions of law heretofore enacted relating to secretaries in the Diplomatic Service and to consular officers, which are not inconsistent with the provisions of this act, are hereby made applicable to foreign service officers when they are designated for service as diplomatic or as consular officers, and that all acts or parts of acts inconsistent with this act are hereby repealed.

Mr. STAFFORD. That information is sufficient. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the President is hereby authorized to grant to diplomatic missions and consular offices at capitals of countries where there is no diplomatic mission of the United States representation allowances out of any money which may be appropriated for such purpose from time to time by Congress, the expenditure of such representation allowance to be accounted for in detail to the Department of State quarterly under such rules and regulations as the President may prescribe.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I think this is one of the most important provisions in the bill. I believe it recognizes for the first time in substantive legislation the policy of granting allowances to our diplomatic and consular officers. True there has been carried for the last several years an appropriation, amounting this year, I believe, to \$200,000 for this purpose. I can see the reason why we should grant allowances to our diplomatic establishments. But I question very much whether any allowances should be granted to consular representatives, even though they are at capitals where there is no diplomatic mission.

I was rather impressed by the statement of a former distinguished Member of this House, recently the honored ambassador to the Court of St. James, Mr. John W. Davis, in his testimony before the committee on this bill that he did not favor increasing the salaries of our ambassadors and ministers, but favored more a policy of allowances. I can readily understand, as any Member of the House can readily understand, that while a certain legation or embassy might have a standard that would entitle it to one range of salary, nevertheless the obligations as far as social affairs are concerned would not be as great as in some others. This system of allowances is one to be determined, I assume, according to the special consideration of social obligations at the respective capitals. I am not very much of a social man myself; I am not on the Committee on Foreign Affairs; and I am not qualified to speak as authoritatively about the need of these appropriations as some others in this House. My entire information in regard to it comes from reading the hearings. But I do question much whether a consular officer up in Ottawa, for instance—and we have a consul there in the

capital of Canada, where there is no diplomatic mission—I question very much whether he should be entitled to any allowance. His duties are not as onerous as those of the consular representative at Windsor. The duties of the consular representative at Windsor are tremendously heavier than those at Ottawa, largely because of the great amount of imports that go across the Detroit River into Canada. Why should we extend the policy of giving a man an allowance for dinner arrangements in consular offices. I can see the need if we are to elevate the salaries of diplomatic attachés from \$4,000 to \$8,000 of giving them rather more for entertaining in a social way, but why should we extend it to the consular representatives? I cited the case at Ottawa—I do not know of another case where we would have an important consul representing our Government, and there would not be a diplomatic mission.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. ROGERS. There are not many cases where the particular language of this section to which the gentleman alludes would be applicable. There are four or five cases within the British Empire. The gentleman has cited one—Ottawa. Among the others are Cape Town, Calcutta, and Melbourne, the capital city of the Commonwealth of Australia. Of course, these several dependencies of the British Empire are practically and for all real purposes independent countries to-day. They are within the fabric of the British Empire, but in most respects they are countries standing on their own footing. Their capitals are comparable in importance to many of the capitals in Latin America or in South American countries. The obligations that go with a decent and dignified representation of the United States at these capitals necessarily cost money. The question is whether, if it is fair to give our minister at La Paz, Bolivia, an allowance, it is not fair to authorize an allowance in the case of the consul at one of these places.

Mr. STAFFORD. Is it the intention to grant an entertainment allowance to the diplomatic representatives of all of these positions like that of Bolivia?

Mr. ROGERS. I do not think that the allowance will ever be made, in fact. I am dealing with what we are authorizing here. I think it is fair that we should authorize the possibility of helping to defray the expenses of a man who represents us at a capital of a great dominion.

Mr. STAFFORD. Take the case I cited at Ottawa, why should the consul have any entertainment allowances?

Mr. ROGERS. Because the cost of suitably upholding his position at that capital is very much larger than the cost of maintaining his position in another city where he represents the United States simply as a consular officer and nothing more.

Mr. STAFFORD. This is but an illustration of making provision for every conceivable case which is likely in time to be the subject of great extravagance.

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 13. That any foreign service officer may be assigned for duty in the Department of State without loss of class or salary, such assignment to be for a period of not more than three years, unless the public interests demand further service, when such assignment may be extended for a period not to exceed one year. Any foreign service officer of whatever class detailed for special duty not at his post or in the Department of State shall be paid his actual and necessary expenses for travel and not exceeding an average of \$8 per day for subsistence during such special detail: *Provided*, That such special duty shall not continue for more than 60 days, unless in the case of trade conferences or international gatherings, congresses, or conferences, when such subsistence expenses shall run only during the period thereof and the necessary period of transit to and from the place of gathering.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 8, line 4, strike out "\$8" and insert in lieu thereof "\$5."

Mr. BLANTON. Mr. Chairman, I ask for recognition on the amendment.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate upon the section and all amendments thereto close in seven minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Chairman, I have had occasion to examine a great many of these expense accounts in the various



departments of the Government where, in addition to the salary and traveling allowance, a subsistence is allowed to various employees. I wish I could put a number of them that I have noted lately into the Record and let gentlemen see just exactly what is charged in some of them. I have found some where \$1 tips have been given to Pullman-car porters on the trains. I can not afford to give a Pullman porter a tip of \$1. I try to give him a fair tip every time I travel with him. I have found instances where the waiter in the dining car has been given a dollar tip. I can not afford it, and I am a Member of Congress, and I try to be fair with the waiters. I have found in instances where the red caps that carry the suitcases from the depot to the train and from the train to the depot have been paid \$1 tips. I can not afford that, and I am a Member of Congress, and I try to be fair with the red caps. This is all paid with public money. When is it going to stop?

We have been increasing it all of the time. Four dollars as my colleague [Mr. BLACK] knows, because he has studied the question carefully—he is alive on the question—was the limit for subsistence allowed until recently. We pay them good salaries. We are increasing their salaries by this bill in a very substantial sum, and we not only do that, but we pay all of the traveling expenses for railroad fare, their Pullman fare, their tips to waiters in the dining cars and their tips in the Pullman cars, and the tips to the red caps, and for their hotel bills, and we are now allowing them \$8 a day for subsistence.

Mr. BLACK. If we do this thing once, the very next demand that will be made of Congress will be a general raise in lieu of subsistence from what is the present amount allowed to \$8 a day.

Mr. BLANTON. Of course, my colleague is right. The only raise that we have permitted above \$5 in any of the bills until this one has been for subsistence in Alaska, and I asked the Delegate from Alaska [Mr. SUTHERLAND] at the time why that should be and he said that it costs more up there in Alaska than it does in other parts of the country, and we let it go by for Alaska; but the other employees of the Government have been limited to \$4 a day until recently for subsistence, and now in the Diplomatic Service we are allowed just double that amount. We ought to stop this. We are drifting along with the tide in a way that we will strike an iceberg of disaster if we do not stop. We ought to take time by the forelock and be careful in these matters. I read the hearings. They brought one man here who said that it cost him a little extra, and do you know why? They put him up at a fine hotel in Chicago. I do not stop at the most expensive hotels always. I know that if you put him in the Willard or the Raleigh and let these Washington taxicab drivers get hold of him, it is liable to cost a lot of money, but a man has to use some judgment when he is traveling for this Government at the people's expense. A man can afford to be extravagant when he is spending his own money. Our distinguished New York brother, when he goes to New York, can give those red caps a dollar if he wants to, because that is his own money; but if he is spending the people's money he ought to be a little careful about the tips that he gives. That is all I have to say.

Mr. TEMPLE. Mr. Chairman, the allowance of \$8 a day is a maximum which is reimbursed to the agent of the State Department, provided he spends it. If he spends less than \$8 a day, of course he gets only his actual and necessary expenses, not only for traveling but for subsistence.

I wish also to correct the statement that was made that, first of all, we pay the railroad fare and the Pullman fare and the tips and the hotel bills and then allow \$8 a day.

Mr. BLANTON. Oh, no; the hotel bill was part of the subsistence.

Mr. TEMPLE. I misunderstood the gentleman.

Mr. BLANTON. The \$8 a day included the hotel bill.

Mr. TEMPLE. The gentleman stated a moment ago it did not include the hotel bill.

Mr. BLANTON. If so, that was an error.

Mr. TEMPLE. That is the reason I am correcting it.

Mr. BLANTON. I did not think I said it.

Mr. TEMPLE. I am glad now there is no difference of opinion about it. I wish to call attention to a statement in the hearings.

Mr. Lay was sent down to Bordeaux under orders of the State Department, and under our present regulations Mr. Lay could only be paid \$5 a day. This is found on page 69 of the hearings.

What did it cost you, Mr. Lay?

Mr. LAY. It cost about \$35 above my expenses—above the expenses that were allowed me by the Government.

Mr. COCKRAN. Not \$35 a day?

Mr. LAY. For the trip.

Mr. COCKRAN. For how many days?

Mr. LAY. I was obliged to spend much more than I was able to collect from the Government—in excess of the \$5.

Mr. COCKRAN. For how many days' service?

Mr. LAY. I was there nearly two weeks.

Now, another instance:

Mr. LAY. I may say that I was ordered while at home on leave to the National Foreign Trade Conference in Chicago in 1919, at which I delivered an address, on the instructions of the department, in respect to trade, and that trip cost me about \$40 out of my own pocket above the limits of the amount that could be collected from the Government. The department was kind enough to reserve a hotel room for me in Chicago. The cost of the room alone was \$4 a day, so I had left a dollar for subsistence above my room, which, of course, was not sufficient.

That is the first-class hotel in Chicago that the gentleman from Texas speaks about, \$4 a day. Anybody who travels now knows what kind of a room he can get in a first-class hotel for \$4 a day. Under the present allowance the representative of the State Department would have \$1 a day left for his three meals. This bill provides for the actual and necessary expenses for travel not in excess of \$8 a day, which means that if the representative of the Government gets off with less than \$8 a day actual and necessary expenses his allowance will be less than \$8, but \$8 is the upper limit, and it seems to me any man who travels in these days knows that that is not too much.

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced the yeas seemed to have it.

Mr. BLANTON. Mr. Chairman, let us have a division so as to see if there are any economists here.

The committee divided; and there were—yeas 14, noes 40.

So the amendment was rejected.

The Clerk read as follows:

SEC. 14. That part of the act of July 1, 1916 (Public, No. 131), which authorizes the President to designate and assign any secretary of class 1 as counselor of embassy or legation, is hereby amended to read as follows:

"Provided, That the President may, whenever he considers it advisable so to do, designate and assign any foreign-service officer as counselor of embassy or legation."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understood the President had authority to assign these respective foreign-service officers to their respective posts. What is the necessity for this legislative provision?

Mr. ROGERS. The title of counselor of embassy is a secondary one. A foreign-service officer when he is sent to a particular capital may act as counselor when so designated by the President, just as a secretary of embassy or legation now may be designated by the President to act as counselor at his post.

Mr. STAFFORD. Is it necessary to have this special authorization? I thought the general provisions of the bill authorizing the transfer and retransfer by the President to the various posts were sufficient.

Mr. ROGERS. I can only repeat. This is not a primary designation. The present position of secretary may or may not involve the performance of duties as counselor, and the President is authorized to designate secretaries as counselor under such assignment.

Mr. STAFFORD. What are the special duties of a counselor of embassy or legation?

Mr. ROGERS. He is the representative of the ambassador or minister and in the absence of the ambassador or minister he is in charge. It is a title which has become very well known in every other country but ours, and if we do not have a counselor by name, our man who is performing the duties of counselor is very much handicapped.

Mr. STAFFORD. Where does the chargé d'affaires come in or the secretary of legation? I thought the secretary of legation was under the ambassador or minister under the present organization.

Mr. ROGERS. The secretary of the embassy or legation is designated under the present system to act as counselor. He is one of the secretaries. The chargé d'affaires is simply the officer who is designated during the absence of his chief and is the one who remains in charge.

Mr. STAFFORD. That may apply to the secretary under our present organization?

Mr. ROGERS. It is habitually.

Mr. STAFFORD. And I suppose it will apply to these distinguished counselors of embassies or legations?

Mr. ROGERS. In the absence of the minister the counselor would also be chargé d'affaires.

Mr. STAFFORD. And have this additional designation of chargé d'affaires?

Mr. ROGERS. Yes.

Mr. SEARS. Mr. Chairman, I move to strike out the last word.



The CHAIRMAN. The gentleman from Florida moves to strike out the last word.

Mr. SEARS. I would like to ask the chairman of the committee a question. You have struck out the word "diplomatic" and now use the words "foreign service." In order to make it strictly American, why not, in the section just read, strike out the words "chargé d'affaires" and make it "charge of affairs" and make that American also?

Mr. ROGERS. That is in the next section. It is a little difficult to say why not. Perhaps the only answer I can think of would be that this designation, while it is a strange one to our ears, is known elsewhere all over the world and has been ever since the Congress of Vienna.

Mr. SEARS. Yes; it is known abroad. It is also known to the gentlemen whose salaries are increased?

Mr. ROGERS. Yes.

Mr. BLANTON. It corresponds with one of those nine social rungs of the new ladder of the gentleman from Massachusetts that we are to have in our foreign service. [Laughter.]

Mr. ROGERS. It corresponds only in the mind of the gentleman from Texas. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Sec. 15. That within the discretion of the President, any foreign service officer may be appointed to act as commissioner, chargé d'affaires, minister resident, or diplomatic agent for such period as the public interests may require without loss of grade, class, or salary.

That section 1685 of the Revised Statutes as amended by the act entitled "An act for the improvement of the foreign service, approved February 5, 1915," is hereby amended to read as follows:

"Sec. 1685. That for such time as any foreign service officer shall be lawfully authorized to act as chargé d'affaires ad interim or to assume charge of a consulate general or consulate during the absence of the principal officer at the post to which he shall have been assigned, he shall, if his salary is less than one-half that of such principal officer, receive in addition to his salary as foreign service officer compensation equal to the difference between such salary and one-half of the salary provided by law for the ambassador, minister, or principal consular officer, as the case may be."

Mr. HUSTED. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. HUSTED. I do so for the purpose of asking the gentleman from Massachusetts how the provision of section 1685 of the Revised Statutes as amended differs from the present law? It seems to me they are exactly the same.

Mr. ROGERS. This section does not change the present law except that it makes it perfectly clear that the section would apply to officers of the foreign service. But it does simplify and bring up to date, somewhat, some of the obsolete propositions of section 1685.

Mr. SEARS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Florida is recognized for five minutes.

Mr. SEARS. Mr. Chairman, I would like to ask the chairman of the committee a question for the purpose of getting some information. I call the gentleman's attention to section 2 of the bill. Without taking up too much time—I have no desire to do that—I would simply call attention to the fact that in classes 1, 2, and 3, up to and including 8, we find salary increases of \$500 or \$1,000. We know, of course, from the tables filed by the committee the number of men whose salaries will be increased. I understand the increase in some of these cases will be \$1,000.

Mr. ROGERS. The average increase is 14 per cent.

Mr. SEARS. In class 6, as I recall, the person now holding the position is getting \$3,500. This makes it \$4,500, an increase of \$1,000.

Mr. ROGERS. There are some increases at \$1,000, but most of them are \$500.

Mr. SEARS. In the increases in that class, from \$1,500 to \$3,000, how many employees are affected?

Mr. ROGERS. About 100.

Mr. SEARS. How many will get the \$3,000, and what are they now drawing?

Mr. ROGERS. That unclassified provision is a sort of basket clause, which takes care of men who are now consular assistants, men who are vice consuls, and men who are student interpreters and assistant student interpreters. Each of those three groups has classes within themselves. The man who enters as a vice consul starts at \$1,500 and gets ultimately \$3,000 as vice consul. The same situation is true generally as to interpreters and assistant interpreters.

Mr. SEARS. What will those who are now receiving \$1,500 get under this bill? They are not receiving under \$1,000, are they?

Mr. ROGERS. I do not think there will be any increase of salary in these unclassified places as compared with the present compensation. The purpose of the department is to have the ultimate objective relatively higher than the initial salary.

Mr. SEARS. These men who do not go to these social functions get only \$1,500. It does not seem to matter about their salary?

Mr. ROGERS. It puts a maximum at the top, to which good men may aspire.

Mr. SEARS. Usually it is the man who is now getting \$25,000 who will get \$30,000 or more. But the man who is working for \$1,500 must not expect to get any raise in this country, where we are all supposed to be equal. This is a great country, but I have come to the conclusion that there are only two things in which all men here are equal or where their privileges are the same. We are permitted to live, in most cases I should say exist, and we are permitted to die. It would be futile for me to undertake to increase the salary of any person who is only receiving a salary barely sufficient for him to exist on, for I learned long ago the efforts of anyone would be useless.

Mr. BLANTON. The gentleman from Florida ought to be the last man in this body to object to this, and I am surprised that he is objecting to large salaries, because if it were not for this action on the part of our Republican brethren across the aisle the gentlemen who are to be increased would not take their families down to Palm Beach in Florida. [Laughter.]

Mr. SEARS. If I thought the gentlemen who are representing us in China with this meager increase of compensation could pay their way to Palm Beach, I would hesitate to let them come, because they would not have enough money to live on when they got there. It would take all their salary to get to Palm Beach and they would have nothing left. [Laughter.]

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. BRIGGS. Mr. Chairman, I want to ask the gentleman in charge of the bill a question or two with reference to the application of the civil service law to members of the Consular Service.

As I understand it now, the civil service law applies only in a limited degree. Does this bill in recasting the service make the civil service rules and regulations applicable to the new service or not?

Mr. ROGERS. No change from the present practice in that regard is contemplated in the present bill.

Mr. BRIGGS. But this bill enlarges very much, it seems to me, the personnel of the Consular Service by recasting it entirely. I am wondering whether under this new measure the civil service rules and regulations are going to be applicable to all these men in the Diplomatic Service except the ministers and ambassadors, so that they may be gauged by the period of service which they faithfully render to the Government, or whether it will be by their opportunity to hold the positions which they hold through varying administrations of the Government.

Mr. ROGERS. The gentleman is aware, I think, that the examination feature applies to-day to every diplomatic secretary and to every consular officer from top to bottom. But after a man once enters the service his promotion does not depend upon any civil-service consideration. The intent of the committee was to leave the situation in that respect entirely unchanged. Every man who enters the foreign service hereafter enters after examination, with one class excepted. I will read the applicable section:

Sec. 5. That hereafter appointments to the position of foreign service officer shall be made after examination or, after five years of continuous service therein, by transfer from the Department of State under such rules and regulations as the President may prescribe.

Mr. BRIGGS. Appointments of secretaries to embassies now are not made under the civil service or through examination, are they?

Mr. ROGERS. I suggested a moment ago, but perhaps did not make myself entirely clear, that entry into the service heretofore has been and hereafter will be by examination.

Mr. BRIGGS. Even with respect to secretaries of legations and embassies at the present time?

Mr. ROGERS. Yes, indeed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.



The Clerk read as follows:

Sec. 16. That the provisions of the act approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," as the same has been or may hereafter be amended, are hereby made applicable to foreign-service officers with the modifications hereinafter stated, to wit:

(a) The age of retirement shall be 65 years: *Provided*, That the President may in his discretion retain any foreign-service officer who has reached the age of 65 years for such period not exceeding five years as he may deem for the interests of the United States.

(b) The maximum and minimum annuities under the several classes, instead of those stipulated in section 2 of the said act, shall be as follows:

Class A, maximum annuity \$5,400, minimum annuity \$1,500; class B, maximum annuity \$4,860, minimum annuity \$1,350; class C, maximum annuity \$4,320, minimum annuity \$1,200; class D, maximum annuity \$3,780, minimum annuity \$1,050; class E, maximum annuity \$3,240, minimum annuity \$900; class F, maximum annuity \$2,700, minimum annuity \$750.

(c) In lieu of section 3 of the said act the following provision shall apply:

That for the purposes of this act the period of service shall be computed from the date of original oath of office as secretary in the Diplomatic Service, consul general, consul, vice consul of career, consular assistant, or student interpreter, and shall include periods of service at different times in either the Diplomatic or Consular Service, or while on assignment to the Department of State, or on special duty, but all periods of separation from the service and so much of any period of leave of absence as may exceed six months shall be excluded: *Provided*, That the President is authorized from time to time to establish, by Executive order, a list of places in tropical countries which by reason of climatic or other extreme conditions are to be classed as unhealthy posts, and each year of duty at such posts while so classed, inclusive of regular leaves of absence, shall be counted as one year and a half, and so on in like proportion in reckoning the length of service for the purposes of retirement: *Provided further*, That service in the Department of State prior to appointment as a foreign service officer may be included in the period of service, in which case the officer shall pay into the civil-service retirement and disability fund a special contribution equal to 5 per cent of his annual salary for each year of such employment, with interest thereon to date of payment compounded annually at 4 per cent, less a deduction of the amount of all contributions and accrued interest thereon previously paid by such employee into the civil-service retirement and disability fund under the act of May 22, 1920.

(d) That the rate of deduction in the case of all officers eligible to retirement under the provisions of this act shall be a sum equal to 5 per cent of that portion of the basis salary not in excess of \$9,000.

(e) In lieu of section 15 of the said act the following provision shall apply:

That there is hereby authorized to be appropriated, from any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 for the payment of annuities provided for in this act for the fiscal year ending June 30, 1924.

The Secretary of the Interior shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary to continue this act in full force and effect.

With the following committee amendment:

Page 11, line 10, after the word "employment" strike out the words "after this act goes into effect."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I have a further amendment. In line 19 of page 11 strike out the word "basis" and substitute in lieu thereof the word "basic."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 11, line 19, strike out the word "basis" and insert in lieu thereof the word "basic."

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move further to amend, in line 20, page 11, and down to and including line 5, on page 12, to strike out all of subsection (e).

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 11, beginning with line 20, strike out the remainder of the page, and on page 12 strike out all of lines 1 to 5, inclusive.

Mr. ROGERS. That is all provided for in the Lehlbach Act, and apparently it is not necessary to repeat it here.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BLACK. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Pages 10, 11, and 12, strike out paragraphs (b), (c), and (d) of section 15.

Mr. BLACK. Mr. Chairman, if the House should agree to my amendment, the following provision in the bill would be left unimpaired:

Sec. 16. That the provisions of the act approved May 22, 1920, entitled "An act for the retirement of employees in the classified civil service, and for other purposes," as the same has been or may hereafter be amended, are hereby made applicable to foreign service officers with the modifications hereinafter stated, to wit:

And then the modification in paragraph (a) would be retained, which would permit these foreign service officers to retire at the age of 65.

Gentlemen of the House who are familiar with the civil service retirement act—and, of course, that includes most Members—know that there are three ages of retirement—62 for railway mail clerks, 65 for rural carriers, and 70 for Government employees generally. I think it would be all right to agree to paragraph (a), which provides for the retirement of these foreign service officers at the age of 65; but the main point that I have in mind is this: Inasmuch as we are giving to these foreign service officers what amounts to a civil service status, I agree that it is all right to bring them under the terms of the civil service retirement act. I see no objection to that. But this act goes much further in its provisions than the general civil service retirement law and provides rates of annuities which are extravagant and excessive. Now, the gentleman from Iowa [Mr. TOWNER] yesterday urged as a reason for passing this bill that it was in the interest of agriculture and the farmer. I imagine that the farmer will enthrone a great deal over retiring a Government employee who has been receiving \$9,000 a year for 30 years, or \$270,000 aggregate, and retiring him at \$5,400 per year, which is what this bill does. Of course, the case I have cited is of the highest rate provided in the bill, but nevertheless it is a real illustration and not an imaginary one.

Gentlemen, the reason that I have taken the floor to discuss this particular provision is that I happen to be a member of the Committee on Reform in the Civil Service and have had something to do with the general retirement act. Our committee now has before it several bills to increase the annuities under that act; but we have taken the view, and the Members of the House have urged upon us the view, and I think very properly, that now is no time to increase the burdens of the Treasury by increasing the annuities under the retirement act.

If we had brought into this House a bill that was anything like as extravagant in its payments as the provisions of this bill, gentlemen would have said: "Well, now, that may be all well and good, but now is no time to do it. Economy is imperative."

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLACK. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. BLACK. At a time when everybody is crying out against the burdens of taxation, when criticism is being made in every quarter that legislative bodies are too extravagant, it is properly urged that we should not bring in a bill enlarging annuity payments, and we have refrained from doing it, and have not given hearings on the bill. And yet if the House passes this provision you will be setting a precedent that will confront the Committee on Reform in the Civil Service in the very near future.

Mr. BROWNE of Wisconsin. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. BROWNE of Wisconsin. Under this bill the employee pays 5 per cent, while under the general law he pays 2½ per cent. Would not the high-salaried officer have to pay a good deal more for what he gets than he would under the civil service law?

Mr. BLACK. No. The annuities which are provided in this bill are much more generous in amount than those which are provided under the general law.

Mr. LONDON. Will the gentleman yield?

Mr. BLACK. Let me answer the gentleman from Wisconsin. Mr. LONDON. The gentleman can answer both questions at the same time.

Mr. BLACK. Very well.

Mr. LONDON. You can not get an annuity until the man has been in the service 15 years. That means until he has contributed 75 per cent of the amount—I do not know whether that 75 per cent includes compound interest or not, but at least he would contribute 75 per cent of his annuity. The gentleman should take that into consideration.

Mr. BLACK. Now, I want to answer the questions of my friends from Wisconsin and New York. In the first place, the retirement act will become effective at once, as the foreign-service officers will be entitled to retirement when they reach the retirement age whether they have paid in 75 per cent or not. Then there is another argument which has been used in this debate similar to that made by the gentleman from Wisconsin



and the gentleman from New York, and it is a misleading argument. It is: That because there is a large fund accumulating in the Treasury to the credit of the retirement fund, therefore larger annuities can be paid without any greater charge upon the Treasury. Every one knows that the only sound principle to base an annuity fund on is to create a fund large enough which will not only pay the current obligations but will set up a reserve sufficient to take care of the obligations maturing in the future. Nearly every fraternal insurance order that has ever gone on the rocks has gone there because it did not charge an adequate rate which would pay the current obligations and set up a sufficient reserve to take care of those liabilities which were inevitably to come later. I will admit that we do not expect the civil-service retirement fund to be self-sustaining. It is estimated, I believe, that the Government will pay anywhere from 50 to 65 per cent and the employees will pay the balance. The estimates vary. If I understand the debate on this bill correctly, it is assumed that the foreign-service officers will pay about 42 per cent and the Government will pay the balance. Now, that brings me down specifically to the question which the gentleman from New York asked.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Now, what led the gentleman from New York into error for the moment is that he was thinking of the payment of annuity for one year only. The gentleman from New York says because an employee pays in 5 per cent of his annual pay for 15 years, therefore he would pay in 75 per cent of his retirement fund. But I would remind him that the employee who reaches the age of 65 years will have an expectancy of probably 10 years. If the retirement pay is, we will say, \$2,500 per year, then the total amount which would be paid him during his expectancy of 10 years would amount to \$25,000; therefore a 5 per cent payment annually for 15 years would not create a fund that would equal anything like \$25,000. What the gentleman had in mind was that 15 payments would equal 75 per cent of one year's pay.

Mr. STAFFORD. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. STAFFORD. I am interested, and I think the membership of the House is interested, in what effect the gentleman's amendment would have and what retirement pay they would receive if this amendment is adopted; also how much they would contribute proportionately. This matter has been under consideration in general debate, and we would like to know how much of a charge it would be on the Treasury.

Mr. BLACK. If my amendment is adopted, these employees will all be brought under the general civil service retirement act and instead of paying 5 per cent of their salaries into the annuity fund they will pay 2½ per cent to such fund, and upon retirement will receive the same retirement pay as other Government employees, as follows:

Class A, from \$720, maximum, to \$360, minimum; class B, from \$648, maximum, to \$324, minimum; class C, from \$576, maximum, to \$288, minimum; class D, from \$504, maximum, to \$252, minimum; class E, from \$432, maximum, to \$216, minimum; class F, from \$360, maximum, to \$180, minimum.

Mr. Chairman, gentlemen may say the figures I have given is too small a retirement fund. But we must remember that this thing of retiring civilian employees is a new departure and we should not enter upon any extravagant rates. Therefore I want to place the class of Government employees covered by this bill under the very same civil service retirement law as applies to other Government employees.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ROGERS. Mr. Chairman, this retirement section of the bill, which is a very important one and which, of course, should be thoroughly understood, has been discussed at every phase in the debate. I should very much like, primarily for the convenience of the committee, to see if we can not agree on time when we shall close debate on this section. I suggest that we close debate on this section in 20 minutes, and I ask unanimous consent—

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 20 minutes.

Mr. LINTHICUM. Mr. Chairman, reserving the right to object, I would like to know how it is to be divided?

Mr. ROGERS. I have in mind five minutes to the gentleman from Maryland, the gentleman from Florida said he would

like five minutes, the gentleman from Wisconsin [Mr. STAFFORD] five minutes, and I want to reserve five minutes.

Mr. STAFFORD. Make it 25 minutes.

Mr. ROGERS. I will make it 25 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that all debate on this section and all amendments thereto close in 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Chairman, I wish to say just a word in reference to annuities. I notice in most of the discussion carried on that gentlemen seem to think that a very large portion of the annuities are to be paid out of salaries of those who draw the annuities, but, as a matter of fact, whatever the annuities may be they are in the last analysis paid out of the Treasury of the United States, because the salaries are increased, and out of those increases the Government collects a sum and thus creates a fund. That is the true principle of all annuities, so I do not think that the fact that some part of the annuities are paid out of salaries amounts to much one way or the other. I am not discussing the merits of the annuity, but am endeavoring to direct attention to the fact that, whatever annuities may be allowed, a measure is usually so drafted that the net balance after the deduction of anything that may be used for the annuity fund is about what those drafting the measure think the compensation for that particular work should be. In other words, enough is usually added to the salary to take care of the annuity contributions, so that after all the annuity is paid out of the Treasury. But here is the principal point I want to make, and it seems to me it is an important one. The annuity is paid simply for this reason, that it is desired that no man who has been in the employ of the Government for a long period of years should be permitted to be in want after he is disconnected from the service.

I never understood that the purpose of an annuity was to enable a man to have more than just enough to keep him from being in want or being in privation and misery and suffering.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. In a moment. Surely it has never been the purpose to enable a man from the annuity alone to live in a better condition than the average American citizen is able to live.

Mr. BLACK. I just want to agree with the gentleman, that the public has the right to expect that a Government official drawing \$8,000 or \$9,000 a year will make some provision for himself; and then, of course, according to my view, if Congress allows an annuity, it should be a small annuity such as is paid by the Government to its subordinate employees.

Mr. JONES of Texas. I think the gentleman's idea is entirely correct. In the nature of things everybody in this country can not be paid an annuity. The argument on which all annuities have been allowed is that when a man has worked for a long period of years for the Government the Government should see to it that after he has given that service he should not fall into poverty or want. In most instances men should be able to put aside something for a rainy day, but if they have not been able to do that, the Government should not do more than pay such a sum as will not permit them to come to want. I do not think that on that basis the Government should pay a class of men as much as \$5,400 per year; not that a man can not use that much and more, but because it is not intended that the taxpayer shall be taxed to establish a fund to pay any man as much as may enable him of itself to live in any degree of luxury. I think that would be contrary to the whole basis and theory of an annuity.

Of course, it would be nice for every one of them to get \$5,400 per year. It would also be fine if every taxpayer could receive that much after he has done his duty and reached the age of 65. But in the nature of things that is impossible. After you have passed the stage where it is necessary to keep a man from suffering actual bodily want, you pass beyond the pale of what I conceive you are privileged to do in taking money out of the Treasury of the United States and giving it to any man, regardless of how long he may have served and regardless of how valuable his service may have been.

Mr. SEARS. Mr. Chairman, of course I realize the amendment of the gentleman from Texas [Mr. BLACK] will not carry, because all efforts for economy seem to be futile. But by making these few remarks perhaps we can call the attention of the country to some of the conditions as they exist.

I am not opposed to retirement in some cases. The gentleman from Texas [Mr. BLACK] said he could imagine the enthusiasm of the farmers when they learned that men who have been drawing \$9,000 a year had been retired at an annuity of \$5,400 a year.



Mr. HERRICK. Mr. Chairman, I make the point of order that there is no quorum present. If I get time to-morrow, I am going to make that speech.

The CHAIRMAN. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and two Members are present, a quorum.

Mr. SEARS. Mr. Chairman, when interrupted I just stated that the gentleman from Texas [Mr. BLACK] said he could imagine the enthusiasm of the farmers when they learned that gentlemen who had been drawing a salary of \$9,000 a year would be retired at an annuity of \$5,400 a year. I can also imagine the enthusiasm with which this will be received by the merchants and laboring men of this country who are receiving in many cases far less than \$9,000 a year; in fact, many of them barely eke out an existence. Of course all the people pay taxes, either directly or indirectly. When they purchase merchandise of course the taxes must be added to what they buy, and therefore they indirectly pay their taxes, and already the burden has just about reached the breaking point.

The gentleman from Texas [Mr. BLACK] also stated, Mr. Chairman, that these men would be retired at the end of 30 years' service. In that he is not correct. I desire to call his attention to the fact that this bill provides that it is possible after only 15 years or less of service they may be retired with this annuity. I stated the other day that if I had my way I would incorporate in this bill that they would have to be in the Government service at least 30 years in order to receive this retirement and annuity.

Some years ago, when I first came to Congress, I called the attention of the House to several of the retirement features which the taxpayers were paying and which I believed they were not aware of. Let me again call attention to the fact that two departments of this Government alone were paying, about 6 years ago, approximately \$12,000,000 as retirement pay to employees of those departments. The judges of the United States courts and other officials are retired with a certain annuity.

The gentleman from Texas [Mr. BLACK] called attention to the fact that other Government employees were now being retired, but at a much smaller rate than that provided in this bill, so that I think I can safely say that the taxpayers of this country are now being taxed at least \$15,000,000 or \$20,000,000 a year to pay annuities already provided for by law, and now you propose to further tax them, unless the amendment of the gentleman from Texas is adopted, to keep those who have been receiving \$5,000, \$6,000, \$7,000, \$8,000, or \$9,000 a year from suffering during the few remaining years of their lives.

When I think of Uncle JOE CANNON, that grand old man who for 46 years has devoted his life to his country, who has so well and faithfully served in this House, who is still active and energetic, although 87 years of age, and who, unfortunately for his country, will, on the 4th of next March, voluntarily retire from this House without an annuity, I sometimes wonder why it is that more of the people do not complain when we retire young men at the age of 65 and tax old men for the purpose of keeping them in luxury and permitting them to continue the mode of life which they have enjoyed in the past.

I might also call your attention to the services of the Clerk of the House, Mr. Tyler Page. For almost 42 years he has been continuously in the employ of the Government. He began as page in 1881, and by faithful, earnest, and conscientious efforts at all times has finally advanced to his present position. In passing I would be remiss if I did not mention Mr. Cameron, assistant reporter, with a record of 42 years; Mr. W. A. Smith, clerk in charge at Capitol of CONGRESSIONAL RECORD, with a record of 45 years; Mr. Sam Robinson, CONGRESSIONAL RECORD messenger, with a record of 41 years. Sam, as he is known, goes whether the weather is good or bad, and we all know how well and faithfully he performs his duties. There are others too numerous to mention, but just as faithful.

We know the uncertainty of a political life, and the position of each of these is in a way political. Therefore they may be dropped from the roll at any time; and if such should be the case, regardless of how well they have performed their duties, they would receive no annuity.

Let us hope while they have been faithful and energetic that they have provided for the future.

Mr. Chairman, where and when will this end? When, if there is to be a retirement policy, will all be placed on an equality?

Certainly, if we keep up our present unequal and uncertain policy the taxpayers will not be able to stand up under the burden.

I therefore sincerely trust the amendment of the gentleman from Texas [Mr. BLACK] will be adopted; but, as I stated before, I doubt it, for many talk economy but vote otherwise.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, the question of retirement, as set forth in this foreign service bill, was given very considerable attention by the committee. We admit that these retirement allowances are larger than those provided in the Lehlbach Act for other governmental employees and in which the retirement is too small. It must be remembered that this is an entirely different service. This is a foreign service, where men are sent to various sections of the world. Some of the places to which they are sent are not healthful. In most of them living is very expensive, and a man is somewhat like a preacher who may be in one section for a year or two and is subject to orders, and is moved from place to place, in the case of foreign-service men sometimes a thousand or two thousand miles away. His conditions are such that he can not save anything for the time when he will need it, when old age or sickness comes on. In several branches of the Government we have recognized a much larger retirement allowance than is granted in the Lehlbach bill. For instance, in the Army and Navy, where a man is given three-quarters of his grade pay upon retirement, and he makes no contribution whatever to the fund. We give the judges about three-quarters of their pay on retirement and they make no contribution to the fund. Here we give them at most 60 per cent and compel them to pay 5 per cent, being twice what is required under the Lehlbach bill. Very few will ever get the 60 per cent—those entitled must have served 30 years, a mighty long time to be moved from pillar to post in all manner of countries.

The gentleman from Texas [Mr. BLACK] is not fair in his argument. He argues that in 30 years a man ought to save enough to help himself out on \$9,000 a year. Well, there are very few men in the service who get \$9,000 a year, and it is most likely that a man would never get \$9,000 except for a couple of years. He starts at a very low salary. At the present time he starts at a salary which does not even pay his expenses. As I said the other day, at the present time the salaries of most of them when they start are so low that the department will not even appoint a married man to the low-grade positions, because they say he can not support a wife on the salary. Therefore, we place this retirement upon a 60 per cent basis for 30 years' service. If a man has been in the service only 15 years and reaches the age of 65 he gets only 30 per cent.

The gentleman must remember another thing. The foreign service is practically self-supporting and costs the Government very little money indeed. There is another thing that we must remember, and if gentlemen would only take the trouble to read some parts of these hearings where these matters are set out very fully, I do not think we would need a great deal of discussion. On page 30 of the hearings it is shown that we will not have to pay a single dollar into this fund for 20 years. Beginning in 1944, we will be compelled to pay, perhaps, \$48,000, but in the next 20 years the money paid in by the employees into this service will take care of the fund. And it is estimated by the gentleman from Illinois [Mr. MADDEN], who brings the statistics here to prove it, that even under present conditions in 1965 we will be paying only \$260,000 a year. I believe the foreign-service fees will increase more than enough in that time to take care of this additional burden.

I append the statement showing how this retirement feature will work to the year 1944, and, as I have said, after that time, unless the returns from the foreign service increases, which I believe they will, the Government will be compelled to contribute to the fund, just as it will be compelled to contribute under the Lehlbach bill for other civil employees.

#### FOREIGN SERVICE RETIREMENT SYSTEM.

Statement showing estimated annuities payable to foreign-service officers under the proposed retirement system prior to the year 1944, which will be paid solely from the contributions, with interest thereon, of such officers.

Fiscal year ending June 30—	Annuities payable during year.	Available retirement fund from contributions with interest compounded at 4 per cent.	Balance after payment of annuities.	Necessary appropriation.
1924.....	\$61,176.41	\$143,719.85	\$82,543.44	\$50,000.00
1925.....	71,791.67	229,405.80	157,614.13	
1926.....	80,866.60	307,343.20	226,476.60	
1927.....	86,633.43	378,873.36	292,219.93	
1928.....	93,280.35	446,654.93	353,364.58	
1929.....	97,131.26	510,257.20	413,125.94	
1930.....	101,759.00	572,762.10	471,003.10	
1931.....	111,163.40	632,812.27	521,648.87	
1932.....	116,355.09	685,406.97	569,051.88	
1933.....	129,925.29	734,502.58	604,577.28	
1934.....	141,951.55	771,268.00	629,316.95	



Statement showing estimated annuities payable to foreign-service officers under the proposed retirement system, etc.—Continued.

Fiscal year ending June 30—	Annuities payable during year.	Available retirement fund from contributions with interest compounded at 4 per cent.	Balance after payment of annuities.	Necessary appropriation.
1935.....	\$149,410.66	\$796,989.63	\$647,578.97	
1936.....	164,715.13	815,902.13	651,267.00	
1937.....	179,978.65	819,817.68	639,839.13	
1938.....	199,987.14	807,932.70	607,945.56	
1939.....	212,814.00	774,763.38	581,949.38	
1940.....	232,009.55	726,927.36	494,827.81	
1941.....	248,431.01	657,120.92	408,689.91	
1942.....	265,266.43	567,537.51	302,271.08	
1943.....	308,209.60	456,861.92	148,652.32	
1944.....	346,050.10	297,098.00		48,951.69

I believe with the enactment of this measure we will have placed upon the statute books one of the most constructive pieces of legislation which this Congress has enacted. Certainly the most constructive piece of legislation passed during my service of 12 years for the foreign service. It will of course increase salaries about 14 per cent, but it will give a stability to the service, the value of which can not possibly be estimated. Men will enter with a desire to make it their career, and it will not be like it is now—as soon as men are equipped for the service they become more valuable to private individuals and corporations.

It is true that individuals and corporations may still offer larger salaries than the foreign service can afford, but they can never give them that position in life and that standing in their communities which the foreign service affords them, nor will they be able to assure them of a fair retirement after they have performed their life work. If we would extend our trade and our influence among the nations of the world, we must be prepared to meet other nations in competitive work.

With a well organized and an efficient foreign service composed of men equipped and with experience, we can compete.

I believe that this service will be of great benefit to all our people in that it will bring trade and business for our farmers and our factories. The foreign-service men will compose a satisfied and contented body of men, and that is certainly of great value to any nation or to any people.

While we have somewhat increased salaries, we are still far below our competitor Great Britain, as shown by the statement I append. Hereafter, our foreign service will represent both the diplomatic and consular; it will enable the President to shift men from one service to the other; it will democratize the service, because men can be removed from one to the other; it will bring about a better understanding and agreement between the Diplomatic and Consular Bureaus of the Foreign Service, and as I have said before, I believe the legislation will be of inestimable benefit to our people everywhere, and certainly enhance the value and importance of the service.

Comparative statement showing salaries of ambassadors and ministers at important posts.

	Great Britain.	United States.
Albania.....	\$8,515	\$10,000
Argentina.....	43,978	17,500
Austria.....	21,899	10,000
Belgium.....	26,765	17,500
Bolivia.....	14,599	10,000
Brazil.....	45,014	17,500
Bulgaria.....	17,032	10,000
Chile.....	23,359	17,500
China.....	24,332	12,000
Colombia.....	14,399	10,000
Cuba.....	19,012	12,000
Czechoslovakia.....	19,466	10,000
Denmark.....	21,899	10,000
Egypt.....	58,398	7,500
Estonia, Latvia, and Lithuania.....	18,006	10,000
Finland.....	18,735	10,000
France.....	80,297	17,500
Germany.....	38,932	17,500
Great Britain.....		17,500
Greece.....	19,466	10,000
Italy.....	38,932	17,500
Japan.....	29,199	17,500
Mexico.....	14,599	17,500
Netherlands.....	24,332	12,000
Norway.....	21,899	10,000
Panama.....	15,572	10,000
Persia.....	24,332	10,000
Peru.....	18,102	17,500
Poland.....	7,252	12,000

<sup>1</sup> Residences owned by Government and supplied in addition to salary.

Comparative statement showing salaries of ambassadors and ministers at important posts—Continued.

	Great Britain.	United States.
Portugal.....	\$19,466	\$10,000
Rumania.....	19,466	10,000
Serbs, Croats, and Slovenes.....	18,979	10,000
Siam.....	14,599	10,000
Spain.....	29,199	17,500
Sweden.....	21,899	10,000
Switzerland.....	18,243	10,000
Turkey.....	142,581	17,500
United States.....	197,330	
Uruguay.....	20,439	10,000
Venezuela.....	14,599	10,000

<sup>1</sup> Residences owned by Government and supplied in addition to salary.

Comparative statement showing salaries of principal consular officers at important posts.

	Great Britain.	United States.
Argentina:		
Buenos Aires.....	\$11,922	\$8,000
Rosario.....	7,907	3,500
Austria, Vienna.....	6,325	3,500
Belgium, Antwerp.....	9,246	4,500
Brazil:		
Bahia.....	8,394	4,000
Para.....	9,124	5,000
Rio de Janeiro.....	12,166	8,000
Chile, Valparaiso.....	11,679	5,500
Denmark, Copenhagen.....	6,569	5,500
Ecuador, Guayaquil.....	6,812	5,500
France:		
Bordeaux.....	6,447	4,500
Havre.....	6,569	5,500
Lille.....	6,325	4,000
Lyon.....	6,569	5,000
Marseille.....	9,246	5,000
Paris.....	9,246	12,000
Germany:		
Berlin.....	9,002	6,000
Cologne.....	9,002	4,500
Hamburg.....	8,759	4,000
Munich.....	6,325	2,500
Great Britain, London.....		12,000
Greece, Athens.....	6,325	5,500
Italy:		
Genoa.....	9,246	5,500
Milan.....	9,246	5,000
Naples.....	9,246	5,000
Palermo.....	6,447	4,000
Mexico, Mexico City.....	8,273	5,000
Netherlands:		
Amsterdam.....	6,325	5,000
Rotterdam.....	9,246	8,000
Norway:		
Christiania.....	6,569	5,500
Bergen.....	6,325	4,500
Paraguay, Asuncion.....	6,813	4,000
Peru, Callao.....	8,150	4,500
Poland, Warsaw.....	6,447	6,000
Portugal:		
Lisbon.....	6,325	4,500
Lauroco Marques.....	8,515	3,500
Rumania, Bucharest.....	6,447	5,000
Russia:		
Moscow.....	9,246	15,500
Petrograd.....	7,664	13,500
Spain:		
Barcelona.....	9,246	5,500
Madrid.....	6,447	2,500
Sweden:		
Goteborg.....	9,246	3,000
Stockholm.....	6,447	8,000
Switzerland:		
Geneva.....	6,326	3,500
Zurich.....	9,246	8,000
Turkey:		
Constantinople.....	8,759	8,000
Beirut.....	8,759	4,000
Smyrna.....	8,759	5,500
United States, New York.....	26,035	

<sup>1</sup> Consul temporarily in charge.

<sup>2</sup> Office now closed.

The CHAIRMAN. The time of the gentleman has expired. Mr. ANDREWS of Nebraska. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Debate has been limited, so that the Chair does not feel at liberty to entertain that request.

Mr. LINTHICUM. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection. [Applause.]

Mr. STAFFORD. Mr. Chairman, in adopting the recommendation of the committee extending the principle of retire-



ment to officers of the Government, we are indeed proceeding on very dangerous ground when the recommendation comes from a committee that has not given the exhaustive consideration to this subject that the Committee on Reform in the Civil Service would have given it. As the Members of this House know, the retirement feature of the law applies to employees connected with the civil service and not to officers. We are attempting here for the first time to extend it by a different rule of payment to officers of the Government. This is the beginning of a far venture, and no one can tell how extensive it will be.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

Mr. STAFFORD. I have only five minutes.

Mr. PARKER of New Jersey. I wish simply to ask the gentleman if these foreign-service employees are not like military officers?

Mr. STAFFORD. They are not like military officers. The hearings disclose that with the salaries that are to be paid these positions will be desired and sought after for a literary career.

Mr. HERRICK. Will the gentleman yield?

Mr. STAFFORD. No; I decline to yield to the gentleman from Oklahoma. We are not proposing to retire them under the general provisions of the retirement act. It is stated that the conditions are similar to those which apply to the judges.

Mr. HUSTED. Will the gentleman yield for a very brief question?

Mr. STAFFORD. No; I have not the time to yield. If I had the time, I would be glad to yield to the gentleman from New York. As far as the judges are concerned, everyone knows that we pay our judges salaries not commensurate with the work they perform—district judges only \$7,500 and circuit judges \$8,500. They give their best years to the service. In the foreign service they do nothing that conflicts with their taking private employment afterwards.

But worse than all, in this provision recommended by the Committee on Foreign Affairs you are proposing to retire men at a maximum of \$5,400 and a minimum of \$1,500, where under the retirement act their retired pay would be only \$360 minimum and \$720 maximum. No man will be kept out of the service if we apply only the retirement features of the general law to these men. No men have been kept out of this service, as far as consular officers are concerned. Even under the present scale of employment there have been numerous applications for consular positions. It is proposed to raise their salaries a minimum of \$500 a year and some of them \$1,000. Yet you are going ahead without the legislative committee, the Committee on Reform in the Civil Service, having investigated the subject, and are establishing a policy that is going to haunt us in the future.

The naval service or the military service is not akin to this service. As a general thing, when a man in the military or naval service gets to the age of retirement he is incapacitated. These gentlemen in the foreign service, in the Consular Service and secretarial service, are not incapacitated from doing other civilian work.

When the War Department appropriation bill was before the House it was called to our attention that enlisted men were retired on \$1,200 and \$1,400 pay, and a total of \$7,000,000 was appropriated for retired pay of enlisted men alone. Members were amazed; they could not believe it. Now, you are proposing to give retirement pay to many men who have reached retirement age who will not contribute anything. I never desired to enter the Diplomatic Service, but if I wanted a good easy berth for life, I would seek the Consular and Diplomatic Service.

Mr. HUSTED. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. HUSTED. Does not the gentleman realize that unless you make some provision for the future of these men when at the height of their usefulness, when they can render the best service to the Government, when they have acquired the ability to secure outside positions, they are going outside to get the positions, and that they are compelled to do it in order to make provision for themselves and their families? They are not going to stay in the Diplomatic Service when they can get a position that will provide for them outside.

Mr. STAFFORD. I differ with the gentleman having the State Department bill in charge. We are raising the salaries of secretaries from \$4,000 up to \$8,000. The exceptionally bright will generally not remain, the mediocre will cling to the service regardless of retirement pay or not. These high rates are extravagance run wild.

Mr. BLANTON. We have to make provision for the lame ducks.

Mr. STAFFORD. They will not have to make any provision for me, for I am going back to private life.

Mr. ROGERS. Mr. Chairman, I am in favor of the retirement provision partly because it is fair to the individual, but I am in favor of it more because it is fair to the United States. It is interesting to hear the gentleman from Wisconsin [Mr. STAFFORD] declaim about the evils of this proposal. It may be that if the retirement question was coming up for the first time, that if we had never retired officers of the United States in the past, his argument would have some force and importance. But, Mr. Chairman, I have in my hand a list of 20 or 25 different classes and types of Government officers and employees who are retired under provisions of as many existing laws. It is too late to say that retirement is not the policy of the United States, provided the elements of time, nature of service, and propriety warrant.

I have in my hand the indorsement of the bill from the very people about whom previous speakers have been so much concerned. I have the indorsement of organized labor of the United States to this bill from the first line to the last. I do not, of course, say that should be conclusive on the House, but I do suggest that when men say we are doing something unwise and unfair in this measure that the workingmen of America, speaking through organized labor, cordially approve our proposals.

The gentleman from Illinois [Mr. MADDEN] is not regarded as an extravagant man in his views and recommendations. I think most of us have in the past frequently felt that the gentleman from Illinois sometimes erred on the side of economy but never that he erred on the side of extravagance. I desire to call the attention of Members who were not present to the fact that earlier in the day the gentleman from Illinois [Mr. MADDEN] made a most convincing speech for this bill, and especially for this retirement system. He stated that the proposed retirement would not cost the Government a single penny until 1944. He stated that in 1965 the maximum appropriation from the Government that would be required would be between \$200,000 and \$250,000. He said that this legislation presents, in his judgment, a wise business program of economy for the United States. If he at all criticized the committee, it was because we recommended a contribution of 5 per cent from officers of the foreign service instead of 2½ per cent, as in the Lehlbach law.

I may repeat, in closing the debate upon this important provision, that the three-fourths retirement pay for our Army and Navy officers has not been contributed to in the least degree by the officers themselves. Further, the foreign service retirement, universally found in the case of foreign countries, is wholly noncontributory. We are doing too little rather than too much.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. All time has expired, and the question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLACK) there were—ayes 15, noes 64.

So the amendment was rejected.

The Clerk read as follows:

SEC. 17. In the event of public emergency any retired foreign service officer may be recalled temporarily to active service by the President, and while so serving he shall be entitled in lieu of his retirement allowance to the full pay of the class in which he is temporarily serving.

Mr. HERRICK. Mr. Chairman, I move to strike out the last word. I merely rose for the purpose of asking the chairman of the committee, the author of the bill, or any other person who will acknowledge being the father of the measure and responsible for its care and bringing up, a few questions. This is a bill providing for the retirement of persons now serving in the Consular and Diplomatic Service accredited to foreign governments.

If this bill should pass the House and Senate immediately, would any of these persons be retired soon enough to make open positions for the possible benefit of defeated Congressmen or Senators, so that they might be appointed to these positions?

Mr. ROGERS. I think so.

Mr. HERRICK. Then, in that event I want to say that I am among those who are not coming back, and I am also among those who are not hunting for any Federal appointment. I do not like the idea of defeated Congressmen and Senators running after Federal appointments after their term in the Senate or the House expires, and I for one am not going to run after any Federal appointment. In fact, there is where the odium and the ridicule is being heaped upon Congress, and there is where that rather uncomplimentary term "congressional lame duck" comes from. It is because Senators and Congress-



men lay aside their dignity to go down to the other end of Pennsylvania Avenue and ask for an appointment. It is rather distasteful to me to see them lower their dignity in that manner, and I would like to be assured by the chairman of this committee that he will introduce an amendment barring ex-Members of the House and ex-Senators from being beneficiaries of the law.

Mr. BLANTON. What are we going to do with these hundred lame ducks?

Mr. HERRICK. Let them go home and feed in their own corn fields.

Mr. WINGO. Mr. Chairman, I rise in opposition to the pro forma amendment. The question naturally arises, Where are we going to end with this matter of retirement pay? I doubt very seriously if Members of the House realize the extent to which Congress, by first one law and then another, has practically provided for rewarding men with pensions who have been privileged and had the honor of serving their Government. I have been reared with the notion—it may be foolish—that it is a privilege and an honor to be selected as an officer of the United States Government, however simple and humble the office may be. I have never yet been able to comprehend the argument of those who say that one who receives the benefit of that honor and that distinction places the taxpayers of this country under a pecuniary obligation to pension him in his old age. But, Mr. Chairman, if you are going down that road, it occurs to me we ought not to discriminate. I saw my good friend, the lady from Oklahoma [Miss ROBERTSON], a moment ago voting upon the amendment that has just been defeated, and I recall how she and I have pleaded with a committee of this House to grant a small recognition of the splendid services and the risk of life that a certain group of men rendered and suffered in the early days of the Indian Territory. I refer to the old deputy United States marshals of that Territory. There were not many of those men left when we appeared before the committee—72—a few months ago, and some of them have died since then. They are wrinkled and withered and old and gray, most of them depending for their living upon the bounty of their friends. They went into that Territory as special United States deputy marshals under the peculiar jurisdiction of a special court, and they rendered military service in maintaining law and order and bringing to justice the outlaws who had disturbed four or five States surrounding the Indian Territory.

Oh, it sounds like a romance to read the story of the splendid service of those heroic men. Their service was really military service, and at times as few as five or six of them rendered greater military service than a whole troop of soldiers, and in more than one instance they have gone out and captured bands that a whole military company had not been able even to locate. Yet, when we go before that committee, the lady from Oklahoma and I, we have been met with the bland smile and the statement that to grant our request would be extending the pension laws to the civil service of the United States.

Mr. HUSTED. Over how long a period did that service extend?

Mr. WINGO. They served for several years. We established a special court with special jurisdiction at Fort Smith. Theirs was the most daring and the most hazardous service that any troop of military men ever rendered in America, and I feel deeply the fact that this Congress is adjourning and that the lady from Oklahoma and I have not been able to have a modicum of justice done to these old men. Only one or two of them live in my district; most of them live in Oklahoma, Texas, and in Kansas. These old men rendered real military service, though not officially designated as such. I have seen a few of them on parade, crippled, weak, but still there was the daring in their eyes; there was the courage apparent that made their service so valuable. They maintained law and order and saved civilization in those trying times, and yet Miss ALICE and I, when we asked that they be placed on the pension rolls of the Government, are met with the reply that we can not do that, and the men who turned us down vote to-day to practically pension these consular officers who hold honorable positions and run no risk to either their lives or their property. [Applause.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

The Clerk read as follows:

SEC. 19. That all moneys heretofore appropriated for the Diplomatic and Consular Service of the United States are hereby made available for the purposes of this act.

Mr. ROGERS. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 12, line 18, strike out all of section 19 and insert the following: "Sec. 19. That the appropriations contained in Title I of the act entitled 'An act making appropriations for the Departments of State and Justice and for the Judiciary for the fiscal year ending June 30, 1924, and for other purposes,' approved January 3, 1923, for such compensation and expenses as are affected by the provisions of this act, are made available and may be applied toward the payment of the compensation and expenses herein provided for, except that no part of such appropriations shall be available for the payment of annuities to retired foreign-service officers."

Mr. ROGERS. Mr. Chairman, just a word upon the amendment. The suggestion came from Mr. MADDEN, the chairman of the Committee on Appropriations, that the language of the present section 19 might be broader than was wise from an accounting standpoint. The language which I have offered was drafted in the Committee on Appropriations and meets with the approval both of Mr. MADDEN and of the gentleman from New York [Mr. HUSTED] who was in charge of the bill mentioned in the amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

SEC. 20. That this act shall take effect on July 1, 1923.

Mr. HERRICK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HERRICK: Page 12, after line 21, insert as a new section as follows:

"That no one who is now a Member of the House or Senate of the United States shall be eligible to any appointment under this act."

Mr. ROGERS. Mr. Chairman, I make the point of order against the amendment that it is not germane to the section.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that it is not germane to the section. The Chair will hear the gentleman from Massachusetts.

Mr. ROGERS. The provision of section 20 is that this act shall take effect on July 1, 1923. The proposal of the gentleman from Oklahoma is not cast in the form of a limitation and has no relationship whatever to the mere assertion of the date upon which this act shall take effect.

Mr. MOORES of Indiana. Mr. Chairman, I make the further point of order that the Constitution itself is declaratory on this, and under the Constitution not a single Member of this House or the other House, if it should pass, would be eligible.

Mr. HERRICK. Mr. Chairman, the chairman of this committee stated to me a little while ago that one of the purposes of this bill was to make provision for some of these so-called lame ducks.

Mr. ROGERS. Mr. Chairman, I do not want to dignify that remark by denying it. Of course, I said nothing of the kind.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Oklahoma is evidently not germane to the section to which it is offered.

Mr. HERRICK. I offer it as a separate section and make it read section 21.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment and offer it as a separate section. Is there objection?

Mr. ROGERS. Mr. Chairman, I object.

The CHAIRMAN. The point of order having been sustained the amendment goes out and unanimous consent is not required. The gentleman offers his amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, after line 21, insert as a new section the following: "That no one who is now a Member of the House or Senate of the United States shall be eligible to any appointment under this act."

Mr. ROGERS. Mr. Chairman, I renew the point of order on the ground that the amendment is not germane to the subject matter of the section immediately preceding, and I call attention of the Chair to the fact that early in the bill there were at least two sections to which this amendment might appropriately have followed as far as the question of germaneness was concerned.

Mr. BANKHEAD. Mr. Chairman, I am not in sympathy with the amendment of the gentleman from Oklahoma and I expect to vote against it, but I certainly do not think it is subject to the point of order that has been suggested by the gentleman from Massachusetts. The mere fact on his last proposition that there occurred an opportunity in a prior section of the bill to offer a limitation of this character—and that was waived by the failure to offer it—certainly does not inhibit any Member at any subsequent stage of the proceedings from offering an amendment which is germane to the general purposes of



the bill; and it seems to me that the amendment is entirely germane to the purpose of the bill, because it prescribes, in effect, a limitation upon the personnel of these consular officers who are covered in the bill, and it seems to me, upon reflection, the Chair will come to the conclusion that the point of order is not well taken.

The CHAIRMAN. The Chair is ready to rule in favor of the gentleman. The gentleman from Oklahoma offers an amendment which provides that no former Member of the House or Senate shall be eligible to any of these appointments. He offers it as a separate section. Of course, it has been sometimes held that an amendment offered to a preceding section must be germane to the one immediately preceding, but the rule in reference to germaneness when a separate section is offered is not so strict as in case of amendment to a section. The Chair is inclined to think on a bill covering many different employees and officers this sort of provision offered at the close thereof should be held in order. The point of order is overruled. The Chair recognizes the gentleman from Oklahoma [Mr. HERRICK].

Mr. HERRICK. Mr. Chairman, this Congress will adjourn on March 4, 1923, and this act will take effect on July 1, 1923. Well, now, from March 4 to July 1 that would be just simply time for the Members of the House and Senate who are, according to the funny papers and the yellow papers, designated as "lame ducks"—as I say, it just gives them time enough to arrange their own private affairs and to heckle and harass the President, saying, "Please give me a Federal plum, so that I can go abroad at Federal expense," and I feel that they ought to go home and attend to their own knitting, and if there has been anything wrong about the election—that is, if they received any injustice at the hands of anybody—they can go back and have ample time to right it. I have intended to show for a long time where Newberryism has been rather rampant in the House and Senate and deserving Members have been beaten out by unfair means for reelection, and all that.

But I contend that it is up to them to go back and refight their battle, and, if they want to continue in the Government service, either come back here or let a decent, respectable interval elapse between the expiration of their service in the House here and their seeking to reenter the Federal service. In fact, it looks rather unwise to me, and it gives an opportunity to such papers as those that I have designated "yellow rags," such as the Washington Times and the Washington Herald, to poke fun at those men and refer to them as lame ducks quacking around the public corncrib, and all that. [Laughter.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. ROGERS. Mr. Chairman, I move to close debate on the bill.

The CHAIRMAN. The gentleman from Massachusetts moves to close debate on the bill. The question is on agreeing to that motion.

The motion was agreed to.

Mr. ROGERS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the Record.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to revise and extend his remarks in the Record. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts moves that the committee do now rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SANDERS of Indiana, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union, having under consideration the bill H. R. 13880, reports that that committee had directed him to report the bill back to the House with sundry

amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HERRICK. Mr. Speaker, I make the point that there is no quorum present.

Mr. BLANTON. I suggest that the gentleman withdraw it for a moment.

Mr. HERRICK. Withdraw nothing. Give me time to make my speech to-morrow and I will stop filibustering. [Laughter.]

The SPEAKER. The gentleman from Oklahoma makes the point of order that there is no quorum present. The Chair will count. [After counting.] There is no quorum present.

Mr. ROGERS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Focht	Kraus	Riordan
Ansorge	Free	Kreider	Rosenberg
Atkeson	Freeman	Kunz	Rose
Barkley	French	Langley	Rosenbloom
Beck	Funk	Larson, Minn.	Rossdale
Blakeney	Gahn	Lee, Ga.	Rucker
Bland, Ind.	Garner	Lee, N. Y.	Ryan
Boles	Garrett, Tex.	Leibach	Scott, Mich.
Bowers	Gensman	Lineberger	Scott, Tenn.
Brennan	Gilbert	Logan	Shreve
Britten	Goldsborough	McFadden	Siegel
Brooks, Pa.	Goodykoontz	McLaughlin, Nebr.	Slomp
Buchanan	Gould	McLaughlin, Pa.	Smith, Mich.
Bulwinkle	Graham, Pa.	MacGregor	Smithwick
Burdick	Greene, Vt.	Maloney	Steagall
Burke	Hayden	Mead	Stephens
Butler	Hays	Merritt	Stiness
Campbell, Kans.	Henry	Michaelson	Stoll
Cannon	Hersey	Mills	Strong, Pa.
Carew	Hicks	Montague	Sullivan
Chandler, N. Y.	Himes	Moore, Ill.	Sweet
Chandler, Okla.	Hoch	Morin	Tague
Clague	Hogan	Mudd	Taylor, Ark.
Clason	Huck	Nelson, J. M.	Taylor, Colo.
Clouse	Hukriede	Norton	Taylor, N. J.
Codd	Humphreys, Miss.	O'Brien	Ten Eyck
Connally, Tex.	Hutchinson	O'Connor	Thomas
Connolly, Pa.	Jeffers, Nebr.	Oliver	Treadway
Copley	Jeffers, Ala.	Olyp	Upshaw
Crowther	Johnson, Miss.	Osborne	Vinson
Cullen	Johnson, S. Dak.	Overstreet	Voigt
Dale	Johnson, Wash.	Paige	Volk
Darrow	Jones, Pa.	Park, Ga.	Wason
Davis, Minn.	Kahn	Parker, N. Y.	Wheeler
Davis, Tenn.	Keller	Patterson, Mo.	Winslow
Dempsey	Kelley, Mich.	Patterson, N. J.	Wise
Dominick	Kendall	Perlman	Wood, Ind.
Drane	Kennedy	Petersen	Woods, Va.
Drewry	Kindred	Pou	Woodyard
Dunn	King	Radcliffe	Wright
Dyer	Kirkpatrick	Rainey, Ala.	Yates
Fairfield	Kitchin	Ramseyer	Zihlman
Faust	Kleczka	Reber	
Fenn	Kline, N. Y.	Reed, W. Va.	
Fish	Knight	Riddick	

The SPEAKER. Two hundred and fifty Members have answered to their names. A quorum is present.

Mr. STAFFORD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having had under consideration the bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. By the resolution the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLACK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLACK moves to recommit the bill to the Committee on Foreign Affairs, with instructions to report the bill forthwith to the House with the following amendment: Strike out paragraphs (b), (c), and (d) of section 16, on pages 10 and 11 of the bill.



Mr. ROGERS. Mr. Speaker, I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Massachusetts moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The affirmative vote was taken.

Mr. BLANTON. Mr. Speaker, I call for a division.

The SPEAKER. The gentleman from Texas demands a division.

The House divided; and there were—ayes 39, noes 138.

Mr. BLACK. Mr. Speaker, I object to the vote just taken, and make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and seven members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll. Those favoring the motion to recommit will when their names are called answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 73, nays 180, not voting 174, as follows:

## YEAS—73.

Abernethy	Doughton	Lankford	Sisson
Almon	Driver	Larsen, Ga.	Smithwick
Andrews, Nebr.	Fields	Lea, Calif.	Stafford
Aswell	Fisher	Lee, Ga.	Stegall
Bankhead	Fulmer	Lowrey	Stevenson
Bell	Garrett, Tenn.	Lyon	Summers, Tex.
Black	Hammer	McDuffie	Swank
Bland, Va.	Haugen	McSwain	Tillman
Blanton	Herrick	Mansfield	Tucker
Bowling	Hooker	Nelson, J. M.	Turner
Box	Huddleston	Oldfield	Tyson
Briggs	Hudspeth	Quin	Weaver
Byrnes, S. C.	Humphreys, Miss.	Raker	Williams, Tex.
Byrnes, Tenn.	Jacoway	Rankin	Wilson
Carter	James	Rayburn	Wingo
Collier	Jeffers, Ala.	Rouse	Wright
Crampton	Jones, Tex.	Sanders, Tex.	
Crisp	Kincheloe	Sandlin	
Deal	Lanham	Sears	

## NAYS—180.

Ackerman	Evans	Longworth	Sanders, Ind.
Andrew, Mass.	Fairchild	Luce	Sanders, N. Y.
Anthony	Faust	McArthur	Schall
Appleby	Favrot	McCormick	Shaw
Arentz	Fitzgerald	McKenzie	Shelton
Bacharach	Fordney	McLaughlin, Mich.	Shreve
Barbour	Frear	MacGregor	Sinclair
Beck	Frothingham	MacLafferty	Sinnott
Beedy	Fuller	Magee	Slemp
Begg	Gallivan	Mapes	Smith, Idaho
Bird	Gerner	Martin	Snell
Bixler	Gifford	Mead	Snyder
Bond	Glynn	Michener	Speaks
Britten	Graham, Ill.	Miller	Sproul
Brooks, Ill.	Green, Iowa	Mondell	Stedman
Brown, Tenn.	Greene, Mass.	Moore, Ohio	Strong, Kans.
Browne, Wis.	Greene, Vt.	Moore, Va.	Summers, Wash.
Burtress	Griest	Moore, Ind.	Swing
Cable	Griffin	Mott	Temple
Campbell, Pa.	Hadley	Murphy	Thompson
Cantrill	Hardy, Colo.	Nelson, Me.	Thorpe
Chalmers	Hawes	Nelson, A. P.	Tilson
Chindblom	Hawley	Newton, Minn.	Timberlake
Christopherson	Hickey	Newton, Mo.	Tincher
Clarke, N. Y.	Hill	Norton	Tinkham
Cockran	Hukriede	Ogden	Towner
Cole, Iowa	Hull	Parker, N. J.	Underhill
Cole, Ohio	Humphrey, Nebr.	Parker, N. Y.	Vaile
Colton	Husted	Patterson, Mo.	Vestal
Cooper, Ohio	Ireland	Paul	Voigt
Cooper, Wis.	Keams	Perkins	Volstead
Coughlin	Kelly, Pa.	Porter	Walters
Crago	Ketcham	Pringey	Ward, N. Y.
Curry	Kiess	Purnell	Ward, N. C.
Dallinger	Kissel	Rainey, Ill.	Watson
Dempsey	Kline, Pa.	Ransley	Webster
Denison	Kopp	Reece	White, Kans.
Dickinson	Lampert	Reed, N. Y.	White, Me.
Dowell	Lawrence	Rhodes	Williams, Ill.
Dunn	Layton	Ricketts	Williamson
Dupré	Lazaro	Roach	Woodruff
Echols	Leatherwood	Robertson	Woods, Va.
Edmonds	Linthicum	Robison	Wurzbach
Elliott	Little	Rogers	Wyant
Ellis	London	Sabath	Young

## NOT VOTING—174.

Anderson	Burton	Crowther	Foster
Ansorge	Butler	Cullen	Free
Atkeson	Campbell, Kans.	Dale	Freeman
Barkley	Cannon	Darrow	French
Benham	Carew	Davis, Minn.	Funk
Blakeney	Chandler, N. Y.	Davis, Tenn.	Gahn
Bland, Ind.	Chandler, Okla.	Dominick	Garner
Boles	Clague	Drane	Garrett, Tex.
Bowers	Clark, Fla.	Drewry	Gensman
Brand	Classon	Dunbar	Gilbert
Brennan	Clouse	Dyer	Goldsborough
Brooks, Pa.	Codd	Fairfield	Goodykoontz
Buchanan	Collins	Fenn	Gorman
Bulwinkle	Connally, Tex.	Fess	Gould
Burdick	Connolly, Pa.	Fish	Graham, Pa.
Burke	Copley	Focht	Hardy, Tex.

Hayden	Knutson	Oliver	Steenerson
Hays	Kraus	Olpp	Stephens
Henry	Kreider	Osborne	Stiness
Hersey	Kunz	Overstreet	Stoll
Hicks	Langley	Paige	Strong, Pa.
Himes	Larson, Minn.	Park, Ga.	Sullivan
Hoch	Lee, N. Y.	Parks, Ark.	Sweet
Hogan	Lehlbach	Patterson, N. J.	Tague
Huck	Lineberger	Perlman	Taylor, Ark.
Hutchinson	Logan	Petersen	Taylor, Colo.
Jeffers, Nebr.	Luhning	Pou	Taylor, N. J.
Johnson, Ky.	McClintic	Radcliffe	Taylor, Tenn.
Johnson, Miss.	McFadden	Rainey, Ala.	Ten Eyck
Johnson, S. Dak.	McLaughlin, Nebr.	Ramseyer	Thomas
Johnson, Wash.	McLaughlin, Pa.	Reber	Treadway
Jones, Pa.	McPherson	Reed, W. Va.	Upshaw
Kahn	Madden	Riddick	Vinson
Keller	Maloney	Riordan	Volk
Kelley, Mich.	Merritt	Rodenberg	Wason
Kendall	Michaelson	Rose	Wheeler
Kennedy	Mills	Rosenbloom	Winslow
Kindred	Montague	Rossdale	Wise
King	Moore, Ill.	Rucker	Wood, Ind.
Kirkpatrick	Morgan	Ryan	Woodyard
Kitchin	Morin	Scott, Mich.	Yates
Klecza	Mudd	Scott, Tenn.	Zihlman
Kline, N. Y.	O'Brien	Siegel	
Knight	O'Connor	Smith, Mich.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. McClintic (for) with Mr. Treadway (against).

Mr. Connolly of Texas (for) with Mr. Lineberger (against).

Until further notice:

Mr. Butler with Mr. Collins.

Mr. Anderson with Mr. Garner.

Mr. Graham of Pennsylvania with Mr. Drewry.

Mr. Michaelson with Mr. Kindred.

Mr. Crowther with Mr. O'Connor.

Mr. Keller with Mr. Barkley.

Mr. Fish with Mr. Johnson of Kentucky.

Mr. Lehlbach with Mr. Pou.

Mr. Burdick with Mr. Davis of Tennessee.

Mr. Johnson of South Dakota with Mr. Overstreet.

Mr. Hoch with Mr. Garrett of Texas.

Mr. Cannon with Mr. O'Brien.

Mr. Olpp with Mr. Brand.

Mr. Fess with Mr. Logan.

Mr. Gorman with Mr. Cullen.

Mr. Ramseyer with Mr. Hardy of Texas.

Mr. Brennan with Mr. Kitchin.

Mr. Kahn with Mr. Riordan.

Mr. Langley with Mr. Clark of Florida.

Mr. Morgan with Mr. Buchanan.

Mr. Foster with Mr. Kunz.

Mr. Kennedy with Mr. Parks of Arkansas.

Mr. Darrow with Mr. Drane.

Mr. Connolly of Pennsylvania with Mr. Bulwinkle.

Mr. Kline of New York with Mr. Gilbert.

Mr. Fenn with Mr. Carew.

Mr. Hutchinson with Mr. Hayden.

Mr. Burton with Mr. Dominick.

Mr. Kendall with Mr. Johnson of Mississippi.

Mr. Davis of Minnesota with Mr. Goldsborough.

Mr. Fitzgerald with Mr. Montague.

Mr. Mudd with Mr. Rucker.

Mr. Free with Mr. Sullivan.

Mr. Madden with Mr. Oliver.

Mr. Rose with Mr. Tague.

Mr. Merritt with Mr. Park of Georgia.

Mr. Siegel with Mr. Taylor of Arkansas.

Mr. Patterson of New Jersey with Mr. Rainey of Alabama.

Mr. Stephens with Mr. Taylor of Colorado.

Mr. Strong of Pennsylvania with Mr. Thomas.

Mr. Wood of Indiana with Mr. Vinson.

Mr. Taylor of New York with Mr. Wise.

Mr. Winslow with Mr. Upshaw.

Mr. Osborne with Mr. Stoll.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The question is on the passage of the bill.

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 203, noes 27.

Accordingly the bill was passed.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. FORDNEY, from the Committee on Ways and Means, reported the bill (H. R. 14254, Rept. No. 1567) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for



other purposes," approved February 9, 1922, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report ordered to be printed.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent—

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman from Michigan report that as a privileged bill?

The SPEAKER. He did.

Mr. GARRETT of Tennessee. I think the question of its consideration is going to be settled without any necessity of that being passed upon, but I would like to reserve the point of order that it is not privileged.

Mr. MONDELL. Mr. Speaker, I was about to submit a request. I ask unanimous consent that the bill just reported may be taken up for consideration under the rules of the House to-morrow morning, and that when the House adjourns to-day it adjourn to meet at 11 o'clock.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the bill just reported be taken up to-morrow under the rules of the House—it is on the Union Calendar—and that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman from Wyoming [Mr. MONDELL] and I discussed the matter of this request a few moments ago, and I have discussed it with several gentlemen upon this side, and would have discussed it more if I had had longer opportunity.

So far as I know we upon this side feel that without reference to the attitude which Members may take on the final passage of the bill there is no desire to delay its consideration. Some of us would have preferred that it go over until next week. We realize that a rule could have been brought in, provided it is not a privileged matter, and that there would be small disposition on this side to resist the adoption of that rule, and therefore so far as I know there is no objection to the unanimous-consent request to make this the order of business under the general rules of the House to-morrow. As to the second part of the request, I understand that by meeting at 11 o'clock debate can be extended longer than otherwise might be possible. So far as I know there is no objection to that.

Mr. BLANTON. Reserving the right to object, under the request as made the gentleman from Michigan could move the previous question any time after there had been a few minutes' debate.

Mr. LONGWORTH. Oh, no; this will be considered in the Committee of the Whole House on the state of the Union.

Mr. BLANTON. I understood it was to be taken up in the House under the rules of the House. Then it will go to the Committee of the Whole House on the state of the Union under the rules of debate, which would give those opposed to it an hour?

Mr. MONDELL. There will be no disposition on this side to unduly limit debate. We want liberal debate on the bill.

Mr. ABERNETHY. Mr. Speaker, reserving the right to object, I am very much opposed to the proposition, but if we are allowed to express our views in regard to it I will not interpose any objection.

Mr. GALLIVAN. Reserving the right to object, I would like to know if it is the intention of the gentlemen on that side to have a vote on this bill to-morrow?

Mr. MONDELL. We hope to, unless there is a request for general debate at such length that it will prevent.

Mr. GALLIVAN. But that is the intention of the managers?

Mr. MONDELL. It is hoped that we may get a vote to-morrow.

The SPEAKER. Is there objection?

There was no objection.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL (REPT. NO. 1568).

Mr. CRAMTON. Mr. Speaker, I present a conference report on the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, for printing under the rule.

#### CHANGE OF REFERENCE.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent that the reference of the bill H. R. 8908 may be changed from the Rivers and Harbors Committee to the Flood Control Committee.

The SPEAKER. The gentleman from Iowa asks unanimous consent for a change of reference of the bill H. R. 8908 from the Rivers and Harbors Committee to the Flood Control Com-

mittee. The Chair understands that the chairmen of both committees are in favor of it.

Mr. GARRETT of Tennessee. Reserving the right to object, where does it belong, in fact?

Mr. HAUGEN. It belongs to the Committee on Flood Control. Other bills of a like character have gone to that committee. The chairmen of both committees are in favor of it.

Mr. STAFFORD. I think the matter had better go over until to-morrow, so that the Chair may examine it.

Mr. HAUGEN. I will withdraw the request.

#### LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. OLIVER, for to-day, on account of official business.

To Mr. DAVIS of Tennessee, for to-day, on account of illness.

To Mr. KINDRED, at the request of Mr. McDUFFIE, indefinitely, on account of illness.

#### ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

H. R. 10211. An act authorizing an appropriation to meet proportionate expenses of providing a drainage system for Piute Indian lands in the State of Nevada within the Newlands reclamation project of the Reclamation Service.

The SPEAKER announced his signature to enrolled bills of the following title:

S. 4029. An act to amend and supplement the act entitled "An act to incorporate the Texas & Pacific Railroad Co., and to aid in the construction of its road, and for other purposes," approved March 3, 1871, and acts supplemental thereto, approved, respectively, May 2, 1872, March 3, 1873, and June 22, 1874;

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal;

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon;

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 4288. An act to grant the consent of Congress for the special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co., and its successors, to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. J. Res. 248. Joint resolution to provide for the payment of salaries of Senators appointed to fill vacancies, and for other purposes;

S. 4346. An act granting the consent of Congress to the Delaware State Highway Department to construct a bridge across the Nanticoke River;

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917; and

S. J. Res. 226. Joint resolution authorizing the acceptance of title to certain land within the Shasta National Forest, Calif.



## ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, February 9, 1923, at 11 o'clock a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

965. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1923, for improving the United States Botanic Garden, \$122,635 (H. Doc. No. 559); to the Committee on Appropriations and ordered to be printed.

966. A letter from the Secretary of the Treasury, transmitting the sixth annual report of the Federal Farm Loan Board for the year ended December 31, 1922 (H. Doc. No. 560); to the Committee on Banking and Currency and ordered to be printed.

967. A letter from the Secretary of the Navy, transmitting a draft of a bill to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses sustained by fire; to the Committees on Naval Affairs and Appropriations.

968. A letter from the acting chairman of the Federal Trade Commission, transmitting report of the Federal Trade Commission on costs, prices, and profits of the southern pine lumber industry for the years 1917 and 1918; to the Committee on Interstate and Foreign Commerce.

969. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Summer Harbor, Me.; to the Committee on Rivers and Harbors.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURTNESS: Committee on the Public Lands. S. 3123. An act to amend section 1 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897, as amended; without amendment (Rept. No. 1561). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 14222. A bill to amend the trading with the enemy act; with amendments (Rept. No. 1565). Referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER: Committee on the Judiciary. S. 4176. An act to amend section 370 of the Revised Statutes of the United States; with amendments (Rept. No. 1566). Referred to the Committee of the Whole House on the state of the Union.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER: Committee on Military Affairs. S. 2750. An act to provide for the advancement on the retired list of the Regular Army of Second Lieut. Ambrose I. Moriarity; without amendment (Rept. No. 1560). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Military Affairs. H. R. 1252. A bill to remove the charge of desertion from the military record of John A. Douglas; with amendments (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. MILLER: Committee on Military Affairs. S. 2632. An act to correct the military record of Martin Cletner; with amendments (Rept. No. 1563). Referred to the Committee of the Whole House.

Mr. KRAUS: Committee on Naval Affairs. H. R. 14089. A bill granting six months' pay to Harriet B. Castle; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROACH: A bill (H. R. 14251) for the erection of a Federal post-office building at the city of Centralia, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. PATTERSON of New Jersey: A bill (H. R. 14252) to acquire additional site and make additions, extensions, and

improvements to the public building at Camden, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. CRAMTON: A bill (H. R. 14253) to fix the amount to be contributed by the United States toward defraying expenses of the District of Columbia; to the Committee on the District of Columbia.

By Mr. BURTON: A bill (H. R. 14254) to amend the act entitled "An act to create a commission authorized under certain conditions to refund or convert obligations of foreign governments held by the United States of America, and for other purposes," approved February 9, 1922; committed to the Committee of the Whole House on the state of the Union.

By Mr. SWING: A bill (H. R. 14255) for the improvement of San Diego Harbor, Calif.; to the Committee on Rivers and Harbors.

By Mr. HAUGEN: A bill (H. R. 14256) to authorize the acquisition of a site and the erection thereon of a Federal building at Mason City, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. DUPRÉ: A joint resolution (H. J. Res. 437) authorizing the Secretary of War to loan 3,000 wooden folding chairs to the general committee of the Confederate reunion for use at the annual reunion of the United Confederate Veterans to be held at New Orleans, La., in April, 1923; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A resolution (H. Res. 514) for the immediate consideration of H. R. 14222; to the Committee on Rules.

By Mr. HERRICK: A resolution (H. Res. 515) expelling all representatives of the Washington Herald and the Washington Times from the House press gallery; to the Committee on Rules.

By Mr. COOPER of Wisconsin: A resolution (H. Res. 516) fixing the compensation of the expert transcribers in the office of the official reporters of debates and directing payment out of the contingent fund of the House; to the Committee on Accounts.

By the SPEAKER (by request): Memorial of the Legislature of the State of Missouri urging Congress to accept the offer made by Henry Ford to take over and operate the Muscle Shoals project; to the Committee on Military Affairs.

By Mr. ROACH: Memorial of the Legislature of the State of Missouri, relating to the utilization and preservation of Muscle Shoals for the manufacture and sale of fertilizers to farmers and farm organizations, and for other purposes; to the Committee on Military Affairs.

By Mr. HAWES: Memorial of the Legislature of the State of Missouri urging Congress to accept the offer of Henry Ford in connection with Muscle Shoals; to the Committee on Military Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts favoring the passage by Congress of legislation placing an embargo on coal; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Memorial of the Legislature of the State of Massachusetts favoring the passage of legislation placing an embargo on the exportation of coal; to the Committee on Interstate and Foreign Commerce.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ABERNETHY: A bill (H. R. 14257) providing for the examination and survey of the harbor in Morehead City, N. C.; to the Committee on Rivers and Harbors.

By Mr. CRAMTON: A bill (H. R. 14258) granting a pension to Mary A. Sturtevant; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 14259) granting an increase of pension to Cora D. White; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 14260) granting a pension to Nathan B. H. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14261) granting a pension to Rebecca Raburn; to the Committee on Invalid Pensions.

By Mr. ROACH: A bill (H. R. 14262) granting a pension to Katie Cummings; to the Committee on Invalid Pensions.

By Mr. SANDERS of Texas: A bill (H. R. 14263) granting an increase of pension to William N. Richardson; to the Committee on Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14264) granting a pension to Josephine Albert; to the Committee on Invalid Pensions.



By Mr. TEMPLE: A bill (H. R. 14265) granting a pension to Lizzie G. Chapman; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A resolution (H. Res. 513) for the employment of Richard Streets as a page in the House of Representatives, compensation at the rate of \$900 per annum, under the direction of the Doorkeeper, said position to be in lieu of one page at the rate of \$2.50 per diem, now authorized by law; to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7227. By Mr. ABERNETHY: Petition of Leon Daugherty Post of the American Legion, of Clinton, N. C., opposing soldiers and sailors' adjusted compensation bill, if the revenue to pay for same is to be raised by a sales tax, but favoring the adjusted compensation otherwise; to the Committee on Military Affairs.

7228. By Mr. DALLINGER: Petition of the Cambridge, Mass., Republican Club, favoring an embargo on the exportation of coal; to the Committee on Interstate and Foreign Commerce.

7229. Also, petition of the representatives of women on the Republican State committees of New York, Maine, Vermont, New Hampshire, and Massachusetts, favoring national child labor legislation; to the Committee on Interstate and Foreign Commerce.

7230. By Mr. DARROW: Petition of the Philadelphia Board of Trade, favoring the enactment of Senate Joint Resolution 269, relative to the payment of claims arising through Federal control of railroads; to the Committee on Claims.

7231. By Mr. GALLIVAN: Petition of the Board of Aldermen, Medford, Mass., favoring an embargo being placed on coal shipped from the United States to Canada; to the Committee on Interstate and Foreign Commerce.

7232. Also, petition of Columbia Typographical Union, No. 101, opposing recommendation of the Public Printer in regard to annual leave granted to employees in the Government Printing Office; to the Committee on Printing.

7233. By Mr. KAHN: Petition of the board of supervisors of the city and county of San Francisco, Calif., urging that an antinarcotic week be proclaimed early in 1923; also, that an international conference on the narcotic problem be called, with a view to securing the limitation by treaty of the basic production of poisonous drugs which constitute a major menace to American life; to the Committee on Interstate and Foreign Commerce.

7234. By Mr. KELLEY of Michigan: Petition of 42 residents of Farmington, Mich., favoring the joint resolution extending immediate aid to the famine-stricken peoples of the German and Austrian Republics by the purchase and distribution of American food supplies for the use of such peoples; to the Committee on Foreign Affairs.

7235. By Mr. KETCHAM: Petition of 94 citizens of Marcellus, Mich., and vicinity, protesting the tax on small-arms ammunition and firearms; to the Committee on Ways and Means.

7236. By Mr. KISSEL: Petition of the American Farm Bureau Federation, Washington, D. C., urging Congress to authorize the Secretary of War to enter into such contract or contracts with Henry Ford for the completion and continuous operation of the Muscle Shoals project as will protect the public welfare; to the Committee on Military Affairs.

7237. By Mr. LAWRENCE: Petition of the Northwest Missouri Press Association, urging passage of Senate Joint Resolution 232; to the Committee on Interstate and Foreign Commerce.

7238. By Mr. LAYTON: Petition of members of the Delaware Sportsmen, indorsing House bill 5823, establishing public shooting grounds; to the Committee on Agriculture.

7239. By Mr. MICHENER: Petition of sundry citizens of Michigan, favoring resolution extending relief to German and Austrian Republics; to the Committee on Foreign Affairs.

7240. By Mr. NEWTON of Minnesota: Petition presented by Arthur Schaub, of St. Paul, and signed by sundry residents of Minnesota, urging favorable action by the Congress on resolution to provide immediate relief to Germany and Austria; to the Committee on Foreign Affairs.

7241. By Mr. PORTER: Petition of the District of Columbia Department, National Chapter No. 1, American Legion, indorsing Senate bill 4398, authorizing the Seventy-ninth Division Association to erect in France, in the vicinity of Montfaucon, a memorial to the men of the Seventy-ninth Division who died in action there, or afterwards from wounds received, and which bill further authorizes the placing of an enlarged replica of the distinguished-service cross upon a memorial to honor those dead; to the Committee on Foreign Affairs.

7242. By Mr. ROUSE: Petition of Kishmee Grotto, of Covington, Ky., asking the President to set aside a week to be called "antinarcotic week"; to the Committee on Interstate and Foreign Commerce.

7243. By Mr. SINCLAIR: Petition of the Noonan National Farm Loan Association, Noonan, N. Dak., condemning the Strong bill, to change the Federal farm loan act; to the Committee on Banking and Currency.

7244. Also, petition of William Witte and 70 others, of Regent, New England, Dickinson, and Lefor, N. Dak., urging that aid be extended to the suffering peoples of Germany and Austria; to the Committee on Foreign Affairs.

7245. Also, petition of Yucca National Farm Loan Association, Yucca, N. Dak., condemning the Strong bill to change the Federal farm loan act; to the Committee on Banking and Currency.

7246. By Mr. SWING: Petition of various citizens of San Diego, Calif., favoring action by Congress in extending aid to the famine-stricken regions of Germany and Austria by furnishing food supplies; to the Committee on Foreign Affairs.

#### SENATE.

FRIDAY, February 9, 1923.

(Legislative day of Monday, February 5, 1923.)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed a bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 1016. An act to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States";

S. 1878. An act to permit the State of Montana to exchange cut-over timberlands granted for educational purposes for other lands of like character and approximate value;

S. 1926. An act to extend the provisions of the act of February 8, 1887, as amended, to lands purchased for Indians;

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes;

S. 3702. An act providing for the acquirement by the United States of privately owned lands situated within certain townships in the Lincoln National Forest, in the State of New Mexico, by exchanging therefor lands on the public domain also within such State;

S. 4169. An act granting the consent of Congress to the city of Aurora, Kane County, Ill., a municipal corporation, to construct, maintain, and operate a bridge across the Fox River;

S. 4260. An act to extend the time for the construction of a bridge over the Columbia River, between the States of Oregon and Washington, at a point approximately 5 miles upstream from Dalles City, Wasco County, in the State of Oregon;

S. 4288. An act to grant the consent of Congress for the special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack River;

S. 4341. An act granting the consent of Congress to the Oregon-Washington Bridge Co. and its successors to construct a bridge across the Columbia River at or near the city of Hood River, Oreg.;

S. 4346. An act granting the consent of Congress to the Delaware State highway department to construct a bridge across the Nanticoke River;

S. 4353. An act granting the consent of Congress to the highway commissioner of the town of Elgin, Kane County, Ill., to construct, maintain, and operate a bridge across the Fox River;

S. 4439. An act to revive and to reenact an act entitled "An act granting the consent of Congress for the construction of a bridge and approaches thereto across the Arkansas River between the cities of Little Rock and Argenta," approved October 6, 1917;